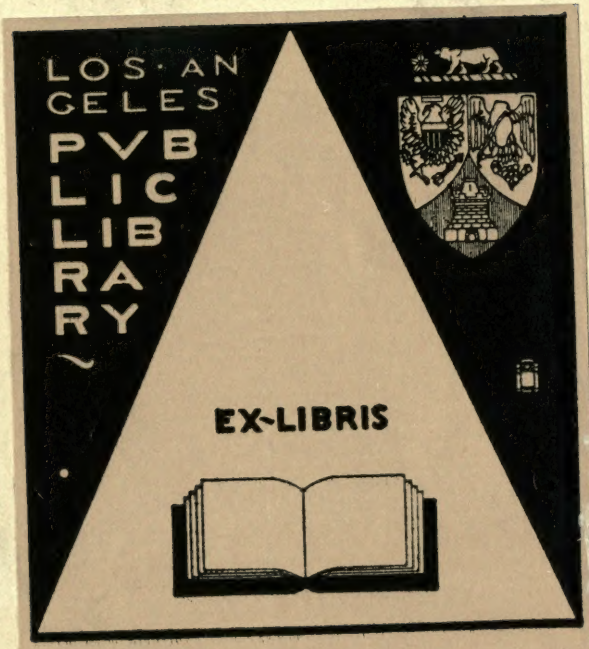

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STATE OF NEW YORK

MESSAGES FROM THE GOVERNORS

COMPRISING

Executive Communications to the Legislature and Other Papers Relating to Legislation from the Organization of the First Colonial Assembly in 1683 to and Including the Year 1906

WITH NOTES

EDITED BY CHARLES Z. LINCOLN

PUBLISHED BY AUTHORITY OF THE STATE

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VOLUME I

1683–1776

COLONIAL PERIOD

ALBANY
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Entered, according to Act of Congress, in the year nineteen hundred and nine,

By SAMUEL S. KOENIG, Secretary of the State of New York,

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EDITOR'S PREFACE.

178151
MAR 6 1910

The project of an annotated edition of messages from the governors and other kindred papers relating to legislation was initiated by chapter 700 of the Laws of 1905, which contained a paragraph authorizing the Governor to provide:

"For compiling and preparing for publication an annotated edition of communications by the governor to the legislature from the organization of the colonial assembly in sixteen hundred eighty-three, to and including the year nineteen hundred four. Such compilation shall include all executive communications at the opening of each regular and extraordinary session of the legislature, and also special messages, either in full or by abstracts, with brief notes showing statutory or constitutional provisions relating to subjects contained in such communications or messages, and also such other notes as the governor may deem proper. The compilation shall be prepared under the direction of the governor, who may appoint an editor of the governors' messages, fix his compensation, and make other provision for carrying on the work. The annotated edition of the messages, when completed, shall be delivered to the state printer for publication, subject to the order of the legislature as to type,* style of binding, number of copies and the distribution or other disposition thereof. The copyright of the notes, abstracts and other parts of the publication, except copies of executive communications or messages contained therein, shall be taken by and vested in the secretary of state, for the benefit of the people of the state, and the state shall own the compilation, and the plates from which it may be printed. Payments from the sum hereby appropriated shall be made on the order of the governor and the warrant of the comptroller."

On the 18th of July, 1905, Governor Higgins appointed Charles Z. Lincoln, editor of the Governors' Messages. By subsequent statutes, 1906, chapter 686, 1907, chapter 578, 1908, chapter 466, and 1909, chapter 433, provision was made for continuing the work, including the preparation

* In 1906, chap. 686, the power to prescribe the kind or kinds of type was vested in the governor.

of suitable tables and indexes. By the act of 1908, chapter 466, the compilation was continued so as to include the administration of Governor Higgins (1905–1906). The same act made provision for the publication and distribution of 2,000 sets of the annotated edition of the messages, in eleven volumes, as follows:

"One set to each of the following officers and persons, the governor and lieutenant-governor, the surviving ex-governors and lieutenant-governors, the members of the legislature of nineteen hundred and eight, the senators and representatives from this state in the congress of the United States, the elective state officers; one set to each judge of the court of appeals, each justice of the supreme court, each judge of the court of claims, each county judge and each separate surrogate; to the executive chamber two sets, to the state library five sets, and to the senate and assembly libraries two sets each; one set to each library of the court of appeals, each judicial district library, each appellate division and supreme court library, each other public law library, and each county law library on the request of the county judge of the county in which such library is situated; one set to the library of each incorporated university, college or normal school, and one set to each high school library. Any sets of such annotated edition remaining after the foregoing distribution shall be reserved by the director of the state library for miscellaneous distribution or exchange, according to rules to be prescribed by him."

PLAN OF THE WORK.

The editor was given a substantially free hand in the performance of the task committed to him, and he has tried to keep constantly in mind the primary object of the plan, namely, to prepare an edition of the messages which would present in a logical and orderly manner the course and development of our legislative history from the standpoint of the executive office.

The project included a compilation of executive communications to the Legislature, with suitable notes showing action by the Legislature or by the people with reference to executive recommendations and suggestions, and the re-

sulting influence exercised by the executive department in shaping the policies of the State. To a large degree these results are manifest from an examination of the messages here presented in chronological order, but often the results of executive suggestions do not thus appear, and for the elucidation of the subject, the editor has added notes showing legislation enacted in direct or substantial compliance with the suggestions made by the Governors as set forth in their messages. Footnotes have usually been used for this purpose, but in many instances the subject demanded a more extended consideration than could well be given in a footnote. In these cases the notes have been placed at the end of a given year with appropriate references intended to aid the reader in examining a particular topic.

The act required messages transmitted to the Legislature at the opening of regular or extraordinary sessions to be published in full, but authorized abstracts of other messages. The messages required to be published in full have been so published, and for the most part special messages and vetoes are given in full. In the earlier years there were some instances where an abstract or a condensed statement of a special message could be profitably used, and in these instances the editor has availed himself of the liberty granted by the statute to present the substance instead of the full text. It is believed that the usefulness of the work has not been impaired by this method of treatment. The full text of any messages thus condensed or abridged is available to every reader, and they may be consulted if more information is desired. The editor believes the propriety of these condensed statements will be manifest on mere inspection. They are not numerous, and quite often relate to cases including a repetition of facts or arguments contained in a former message on the same subject.

Until a comparatively recent period there was no collected edition of public papers of the Governors available for a work of this kind, and it became necessary to examine

the journals of the Senate and Assembly, and often also the documents, for the purpose of discovering messages and papers relating to legislation, all of which had to be copied for use in this work.

The plan included the colonial Legislature beginning nominally with the first colonial Assembly in 1683, but practically with the work of the revived Assembly of 1691, for the reason that the records of earlier sessions of the Assembly have been lost. Beginning with the Assembly of 1692, practically all executive communications have been available for this work, either from the printed journals of the Legislature, or from the manuscript records in the State Library.

In addition to these official sources of information, the editor has consulted various histories, biographies, periodicals, manuscripts and other unofficial publications for the purpose of making the work as accurate as possible, and presenting a series of notes that would be of real service to the student.

This edition of the messages includes the legislative history of the colony and State from 1683 to 1906, both inclusive, covering a period of 224 years. The first Assembly elected in 1683, and known as the Dongan Assembly, held sessions in October of that year, and also in 1684, 1685 and 1686. It was prorogued to March 25, 1687, but in January of the same year the Assembly was discontinued in consequence of the powers vested in Governor Dongan by a new commission issued to him June 10, 1686, but which was not received in New York until after the Assembly had been prorogued to the following March. See Volume I, page 13.

From this time until the Assembly was revived and reestablished under Governor Sloughter in the spring of 1691, there was no Assembly in New York authorized by the Crown. The Assembly called by Jacob Leisler held two sessions in 1690, and enacted laws which are included in the colonial records. Henry Sloughter was appointed

Governor several months before the Leisler Assembly was called, but had not yet arrived in the colony.

Beginning with the new Assembly of 1691, the legislative history of the colony continued without interruption, except during brief intervals between the dissolution of an Assembly and the organization of its successor, until the 3d of April, 1775, on which day the colonial Assembly held its last session. It was prorogued several times after that date, but never met again. See Volume I, page 765. The first State Legislature was organized September 10, 1777.

The similarity in the form of government during the colonial period with that established under the State Constitution makes the executive and legislative history set forth in these volumes substantially a unit from the beginning to the end without serious interruption by the change from a colonial to a State form of government. The relation of the Governor to the Legislature and the manner in which this relation was expressed during the colonial period was not seriously modified by the erection of an independent State government, and the reader may peruse the first opening speech of Governor Sloughter in the early colonial days and the last message of Governor Higgins in 1906, without discovering any substantial difference except in matters of detail or as to subjects considered. This situation is naturally incident to a parliamentary form of government, and particularly such a government administered by people using the same language with the same history and traditions, and with the same general political and national ideals.

Many parts of these volumes might profitably be read by course, but they will doubtless be chiefly used for purposes of reference in the study of particular topics.

The preparation of this edition has not been a light task. The editor has fully appreciated the responsibility devolved on him by his appointment, and has spent four years in the discovery, compilation and preparation of messages, and in making the accompanying notes, and he sincerely hopes that

the value and usefulness of the work will fully justify the labor bestowed upon it by him and the expenditure made by the State.

GUBERNATORIAL SERVICE.

The colonial Governors were appointed by the Crown and held office during its pleasure. Usually several months elapsed after an appointment before the Governor arrived in the colony to assume the duties of his office, and in a few instances the arrival of the Governor was delayed more than a year. The Governor in office in the colony continued to perform executive duties until his successor arrived and had taken the oath of office.

It was customary for the Governor, as a part of the ceremony of induction into office, to take the oath, read his commission, issue a proclamation announcing his accession, and receive the seals of office from his predecessor. These instances are more or less fully noted in the following pages as changes occurred from time to time in the official head of the colony.

In case of a vacancy in the office of Governor, which sometimes occurred by death or absence from the colony, the succession was provided for in the first instance by devolving the office upon the Lieutenant-Governor, and if there was no Lieutenant-Governor, the executive powers, in the earlier years, became vested in the Governor's council. But it should be noted that following the death of Governor Sloughter in July, 1691, Major Richard Ingoldesby, who held a commission as commander-in-chief, was declared by the council to be the highest executive officer in the colony and was thereupon invested with executive authority, which he continued to exercise until August, 1692. In 1708 the rule authorizing the Governor's council to exercise executive duties in case of a vacancy in the office of Governor or Lieutenant-Governor was changed, and thereafter during the remainder of the colonial period the eldest councillor in case of such a vacancy became acting Governor. As the

eldest councillor was president of the council, the rule in practice devolved executive duties in these instances upon the president of the council as such, and several instances are noted in the colonial period when executive power became temporarily vested in the president of the council.

The circumstance will not be overlooked that the relation of the president of the council to the executive office was quite similar to that held under the Constitution by the temporary president of the Senate, who in case the offices of Governor and Lieutenant-Governor are both vacant becomes vested with executive authority. It is a well-known fact in our constitutional history that the Senate is the successor of the Governor's council as constituted during the colonial period.

The gubernatorial succession during the colonial period, either by the regular accession of Governors appointed by the Crown or by the exercise of temporary authority by subordinate officers is noted from time to time in the first volume of this work, but for convenience of reference the names and terms of service are presented in the following list of

COLONIAL EXECUTIVES.

1683, August — 1688, April. Thomas Dongan, Governor.
1688, August — October. Sir Edmund Andros, Governor.
1688, October — 1689, June. Francis Nicholson, Lieutenant-Governor.
1689, June — 1691, March. Jacob Leisler, Acting Lieutenant-Governor.
1691, March — July. Henry Sloughter, Governor.
1691, July — 1692, August. Richard Ingoldesby, Commander-in-Chief.
1692, August — 1698, April. Benjamin Fletcher, Governor.
1698, April — 1701, March. Earl of Pellomont, Governor.
1701, March — May. Governor's Council.
1701, May — 1702, May. John Nanfan, Lieutenant-Governor.
1702, May — 1708, December. Lord Cornbury, Governor.
1708, December — 1709, May. Lord Lovelace, Governor.
1709, May — 1710, June. Richard Ingoldesby, Lieutenant-Governor.
1710, June — 1719, July. Robert Hunter, Governor.
1719, July — 1720, September. Peter Schuyler, President of Council.
1720, September — 1728, April. William Burnet, Governor.
1728, April — 1731, July. John Montgomerie, Governor.
1731, July — 1732, March. Rip Van Dam, President of Council.

1732, August — 1736, March. William Cosby, Governor.
1736, March — October. George Clarke, President of Council.
1736, October — 1743, September. George Clarke, Lieutenant-Governor.
1743, September — 1753, October. George Clinton, Governor.
1753, October 10 — October 12. Sir Danvers Osborn, Governor.
1753, October — 1755, September. James De Lancey, Lieutenant-Governor.
1755, September — 1757, June. Sir Charles Hardy, Governor.
1757, June — 1760, July. James DeLancey, Lieutenant-Governor.
1760, July — 1761, August. Cadwallader Colden, President of Council.
1761, August — 1761, October. Cadwallader Colden, Lieutenant-Governor.
1761, October 26 — November 13. Robert Monckton, Governor.
1761, November — 1762, June. Cadwallader Colden, Lieutenant-Governor.
1762, June — 1763, June. Robert Monckton, Governor.
1763, June — 1765, November. Cadwallader Colden, Lieutenant-Governor.
1765, November — 1769, September. Sir Henry Moore, Governor.
1769, September — 1770, October. Cadwallader Colden, Lieutenant-Governor.
1770, October — 1771, July. Earl of Dunmore, Governor.
1771, July — 1774, April. William Tryon, Governor.
1774, April — 1775, June. Cadwallader Colden, Lieutenant-Governor.
1775, June — 1780, March. William Tryon, Governor.
1780, March — 1783, April. James Robertson, Governor.*

CONSTITUTIONAL PERIOD.

Under the first Constitution the Governor's official term was three years, but the Constitution did not establish an official or political year, and did not fix the time when the term of office of the Governor should begin. The first Governor, George Clinton, took the oath of office July 30, 1777.

The general election law of 1778 required the election of the Governor and Lieutenant-Governor to be held on the last Tuesday of April, and the official term was to begin on the first Monday of July following the election. In 1787 the date was changed from the first Monday to the first day of July, and this date, July 1, was thereafter the beginning of the gubernatorial term during the existence of the first Constitution. This was superseded in 1822 by the second Constitution, under which the Governor was to be elected in November and take office on the first day of January following his election.

*Andrew Elliot, Lieutenant-Governor, became acting-governor, April 17, 1783, on the departure of Governor Robertson. The provisional treaty of peace had already been signed, November 30, 1782, and little remained of the English colonial system. Mr. Elliot continued as the nominal head of the royalist government until the British evacuation of New York, November 25, 1783.

The second Constitution fixed the Governor's term at two years, and this rule continued until 1874, when the term was again fixed at three years. The first election under the second three-year rule was in 1876. The term was again reduced to two years by the Constitution of 1894, which took effect January 1, 1895, but it contained a provision that the two-year rule should apply to the Governor and Lieutenant-Governor elected in 1894. The first three-year rule continued in existence forty-five years, and the second three-year rule eighteen years. The first two-year rule was in existence fifty-four years, and the second two-year rule (so far as it relates to this edition of the messages), was in existence twelve years, so that during sixty-six of the one hundred and twenty-nine years of our constitutional history the Governor's term has been two years, and during sixty-three years the term has been three years.

Since the organization of the State government thirty-four persons have been elected to the office of Governor, but there has been considerable variation in the length of service. Governor George Clinton was in office twenty-one years. Governor Tompkins was in office from July 1, 1807, to February 24, 1817, nearly ten years. Governor DeWitt Clinton held the office first from July 1, 1817, until December 31, 1822, five years and six months, and in his second incumbency, from January 1, 1825, until February 11, 1828, a little more than three years; making his total service a few days more than eight years and seven months. Governor Hill held the office seven years, lacking five days. Governor Jay and Governor Marcy each held the office six years. Governors Seward, Seymour, Morgan, Fenton, Hoffman and Odell each held the office four years. Governors Lewis, Robinson, Cornell and Flower each held the office three years. Governor Throop became acting-Governor on the resignation of Governor Van Buren in March, 1829, and was elected in 1830, holding office nearly four years. Governor Cleveland was in office two years and six days; Governor Van Buren, two months and twelve days.

The other fourteen whose administrations are included in this work held the office two years each. The foregoing number, thirty-four, includes Governor Hughes, who was elected in 1906, and is now, 1909, serving his second term, which will expire December 31, 1910.

Four vacancies in the office of Governor have occurred since the organization of the State government. Governor Tompkins resigned February 24, 1817, to become Vice-President of the United States. Governor DeWitt Clinton died in office February 11, 1828. Governor Van Buren resigned March 12, 1829, to become Secretary of State in President Jackson's cabinet. Governor Cleveland resigned January 6, 1885, to become President of the United States.

Four Lieutenant-Governors have become Governors, namely, John Tayler in 1817, succeeding Governor Tompkins; Nathaniel Pitcher in 1828, succeeding Governor DeWitt Clinton; Enos T. Throop in 1829, succeeding Governor Van Buren, and David B. Hill in 1885, succeeding Governor Cleveland.

The order of succession is given in the subsequent pages of this work, and also in the following list of

STATE EXECUTIVES.

1777, July — 1795, June. George Clinton, Governor.
1795, July — 1801, June. John Jay, Governor.
1801, July — 1804, June. George Clinton, Governor.
1804, July — 1807, June. Morgan Lewis, Governor.
1807, July — 1817, February. Daniel D. Tompkins, Governor.
1817, February — June. John Tayler, Lieutenant-Governor.
1817, July — 1822, December. De Witt Clinton, Governor.
1823 — 1824. Joseph C. Yates, Governor.
1825 — 1828, February. De Witt Clinton, Governor.
1828, February — December. Nathaniel Pitcher, Lieutenant-Governor.
1829, January — March. Martin Van Buren, Governor.
1829, March — 1830, December. Enos T. Throop, Lieutenant-Governor.
1831 — 1832. Enos T. Throop, Governor.
1833 — 1838. William L. Marcy, Governor.
1839 — 1842. William H. Seward, Governor.
1843 — 1844. William C. Bouck, Governor.
1845 — 1846. Silas Wright, Governor.
1847 — 1848. John Young, Governor.

1849 — 1850. Hamilton Fish, Governor.
1851 — 1852. Washington Hunt, Governor.
1853 — 1854. Horatio Seymour, Governor.
1855 — 1856. Myron H. Clark, Governor.
1857 — 1858. John A. King, Governor.
1859 — 1862. Edwin D. Morgan, Governor.
1863 — 1864. Horatio Seymour, Governor.
1865 — 1868. Reuben E. Fenton, Governor.
1869 — 1872. John T. Hoffman, Governor.
1873 — 1874. John A. Dix, Governor.
1875 — 1876. Samuel J. Tilden, Governor.
1877 — 1879. Lucius Robinson, Governor.
1880 — 1882. Alonzo B. Cornell, Governor.
1883 — 1885, January 6. Grover Cleveland, Governor.
1885, January 6 — 1891, December. David B. Hill, Governor.
1892 — 1894. Roswell P. Flower, Governor.
1895 — 1896. Levi P. Morton, Governor.
1897 — 1898. Frank S. Black, Governor.
1899 — 1900. Theodore Roosevelt, Governor.
1901 — 1904. Benjamin B. Odell, Jr., Governor.
1905 — 1906. Frank W. Higgins, Governor.
1907 — Charles E. Hughes, Governor.

JUDICIAL DECISIONS.

The messages and other documents included in this work contain numerous references to judicial decisions involving the construction of statutes or constitutional provisions, but often without giving the title of the case, or the place where it may be found. In nearly all instances the editor has been able to identify the case cited, and has given it in a footnote. These decisions and the discussions relating to them in the messages and otherwise enable the student to trace the history of public questions which have been prominent at different times during our history, and which have often led to important results in the construction of statutes and constitutional provisions. The cases thus cited, either directly or in footnotes, are given in a table of cases in Volume XI.

CONSTITUTIONAL REFERENCES.

Many public questions have involved the consideration of constitutional provisions, which have often been carefully discussed in general and special messages, and particularly

in vetoes, but references to the Constitution have been made in many instances by topic only, without citing the particular provision involved in the discussion. In these instances the editor has taken the same course as in the case of judicial decisions not fully cited, and has included in footnotes references to the particular provision of the Constitution referred to in the message or other document.

The citations of the Constitution are included in a table of constitutional references in Volume XI. It is intended by this table to afford the student an opportunity to ascertain whether a particular constitutional provision has received executive consideration, and the character and scope of the questions involved.

ACKNOWLEDGMENTS.

In preparing an annotated edition of the messages it has been necessary not only to discover and compile these documents, but a study of various miscellaneous sources of information was also needed for the purpose of presenting the facts included in the notes.

The principal sources of information may be found in the State Library, but the records in the offices of the Secretary of State, the Comptroller and the Adjutant-General have also been consulted for the purpose of procuring information not readily accessible elsewhere. During the four years spent in the preparation of this edition the editor has often requested information from the principal State departments, including the Library, and he takes this occasion to express to the assistants in all of the departments his acknowledgments for very valuable aid so generously rendered by them in the prosecution of his task. The departments not only placed their resources at the disposal of the editor in this work, but promptly responded to any special requests for facts which seemed to be needed in the course of his investigations.

Sometimes for weeks and even months the editor visited the Law Library almost daily, and every book in some large

departments was examined during the course of his study. The librarians and assistants responded with unfailing patience to the editor's numerous requests, and rendered invaluable service in his researches. The editor takes pleasure in expressing his grateful acknowledgments to Mr. Frank B. Gilbert, law librarian when this work was begun, and who is now chief of the law division in the State Department of Education; also to his successor, Mr. Frederick D. Coulson, the present law librarian, and to the library assistants, Mr. William B. Cook, Jr., and Mr. Arthur J. Smith.

The general library has also been a place of frequent resort for information, especially for facts relating to colonial and early State history, and the editor takes this opportunity to express his obligations to the library staff, and especially to Mr. Frank L. Tolman, reference librarian, to Mr. George G. Champlin, assistant reference librarian; to Miss Charlotte Van Peyma and to Miss Elizabeth M. Smith, assistants, and to Mr. Arnold J. F. Van Laer, archivist, and Mr. Peter Nelson, assistant, for the aid rendered by them.

The records of the Executive Department have, so far as available, been examined for the purpose of verifying the messages and other executive documents included in this work, and the editor hereby acknowledges the very cordial aid in making these examinations rendered by Mr. Edgar L. Murlin and Mr. George B. Graves, assistants in that department.

The editor most cordially acknowledges his obligations to Miss Marguerite Elizabeth Griffin, of Albany, N. Y., for her faithfulness and efficiency as his reader and stenographer during the preparation of these volumes, and the very satisfactory manner in which her part of the work has been performed.

C. Z. L.

Albany, September 1, 1909.

PREFACE.

This volume includes that part of the New York colonial history beginning with the first Assembly in 1683, and ending with the Revolution, covering eighty-four years of practically continuous legislative history. The first Legislature was established during the proprietary government of the Duke of York, but the Assembly was discontinued after he became King James II of England. His royal career was abruptly terminated by his abdication on the 11th of December, 1688, and soon after the accession of his successors, William and Mary, the colonial Assembly was re-established, and continued without substantial interruption until the Revolution.

The volume includes the English reigns, in whole or in part, of Charles II, James II, William and Mary, William III, Queen Anne, George I, George II, and George III. The history of the period, some of which appears in this volume, includes wars between England and France, and between England and Spain and with other European nations, and in some of these wars the American colonies were often the scene of important military movements which had a significant and lasting effect on the relations of European nations on this continent.

The reader will find in this volume much concerning ordinary colonial development and expansion, serious social and business problems, the relations between the whites and the Indian tribes, Indian treaties and wars, struggles between the English and the French for the possession of Canada, the Northern lakes and the Ohio and Mississippi valleys, the French and Indian wars, various efforts to promote colonial union, the English conquest of Canada, and the movement for colonial independence resulting in the Revolution and the establishment of a new nation.

Reading the various communications from colonial executives to the Assembly and Council with the accompanying documents and notes the student cannot fail to appreciate the difficulties attending the founding a colony at a remote distance from the mother country, and he will readily acknowledge the zeal and loyalty of the Governors sent over from England, and also their high ideals and sincere determination to establish a colony and maintain a government that should reflect the greatness and augment the glory of the British Empire.

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ROBERT MONCKTON, GOVERNOR. 669–673.

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CADWALLADER COLDEN, LIEUTENANT-GOVERNOR. 734–736.

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INTRODUCTION.

EARLY FORMS OF GOVERNMENT, 1623-1691.

The colonization of New York practically began in 1623, under the auspices of the Dutch West India Company, which had been chartered in 1621. That company possessed large political, judicial, military and commercial powers, and until the English conquest in 1664, was in substantial control of colonial affairs subject to supervision and regulation by the States General of Holland. There was no legislature authorized to make laws for the colony until 1683, and during the period between the beginning of colonization and the first assembly, colonial affairs were practically administered by a governor and council. During this period of sixty years there was often much discontent, and the people frequently complained of the arbitrary powers exercised by the governors.

The people sought in various ways to obtain a share in the government, claiming it as a right because it was enjoyed in England and the Netherlands, and also asserting it as necessary for the relief of the people from the consequences of the oppression by the governors. Some relief was obtained from time to time, but it was fragmentary, often only temporary, and at no time prior to 1683 did it reach the dignity of legislative power vested in representatives of the people.

Twelve Men. In 1641 the masters and heads of families, in response to the governor's invitation, chose a body of Twelve Men to advise the governor concerning the proper course to be pursued in relation to pending trouble

with the Indians. This body demanded certain reforms in the administration, part of which were promised, but the governor was evidently not willing to share his authority with the Twelve Men, and within less than six months after their selection they were prohibited from holding any more meetings.

Eight Men. In September, 1643, the people chose a body known as the Eight Men, with whom the governor was expected to consult on various public affairs. This body considered and acted upon several questions relating to the administration, and exercised some legislative authority. It continued in existence about a year.

Nine Men. In 1647 under Governor Stuyvesant a body known as the Nine Men was chosen, and vested with certain administrative and judicial powers. This experiment was more successful than its predecessors of the same kind, but it continued scarcely five years.

Duke of York. The patent issued by Charles II to the Duke of York in 1664, by which he became Proprietor of the colony, vested in him "full and absolute power and authority to correct, punish, pardon, govern and rule" the inhabitants of the colony. There was no provision for a legislature.

Hempstead Convention. In March, 1665, delegates from Long Island and Westchester county met in convention at Hempstead. Other parts of the colony were not represented. The convention had no legislative power, but it was expected that the delegates would give the governor "their advice and information in the settlement of good and known laws within this government." A body of laws known as the Duke's Laws was promulgated by this convention on the first of March, 1665.

Petition to Court of Assizes. In November, 1669, a petition was presented to the Court of Assizes by representatives from various parts of the colony, in which

it was set forth that by the terms of the Articles of Capitulation upon the English conquest of the colony in 1664 the people had been promised "all the privileges of his Majesty's other English subjects in America," and it was claimed that "participation in legislation was one of these privileges." The petition was rejected, and ordered to be burned by the public hangman.

Duke Rejects Propositions for Assembly. During the next five years the agitation for a general assembly continued, but without producing any tangible results. For several years the Duke rejected all propositions for an assembly. On the 6th of April, 1675, writing to Governor Andros, the Duke said:

"Touching General Assemblies which the people there seem desirous of in imitation of their neighbor colonies, I think you have done well to discourage any motion of that kind, both as being not at all comprehended in your Instructions, nor indeed consistent with the form of government already established, nor necessary for the ease or redress of any grievance that may happen, since that may be as easily obtained, by any petition or other address to you at their General Assizes (which is once a year) where the same persons (as Justices) are usually present, who in all probability would be their Representatives if another constitution were allowed."

Again in another letter to the Governor, bearing date January 28, 1676, the Duke said:

"I have formerly writ to you touching Assemblies in those countries and have since observed what several of your latest letters hint about that matter. But unless you had offered what qualifications are usual and proper to such Assemblies, I cannot but suspect they would be of dangerous consequence, nothing being more known then the aptness of such bodies to assume to themselves many privileges which prove destructive to, or very oft disturb, the peace of the government wherein they are allowed. Neither do I see any use of them which is not as well provided for, whilst you and your council govern according to the laws

established (thereby preserving every man's property inviolate) and whilst all things that need redress may be sure of finding it, either at the Quarter Sessions or by other legal and ordinary ways, or lastly by appeal to myself. But howsoever if you continue of the same opinion, I shall be ready to consider of any proposals you shall send to that purpose."

Dyer's Case. The movement for a representative assembly received a fresh impetus from the circumstances attending the indictment of William Dyer, collector of New York, in the summer of 1681 on a charge of high treason in assuming to collect duties without lawful authority, the defect consisting in the fact that Governor Andros, who had gone to England, had neglected to leave adequate instructions for the collection of duties. When brought to trial Dyer questioned the authority of the court, and was thereupon sent to England to be dealt with according to the King's pleasure. One result of the Dyer incident, and perhaps the chief result so far as it affected the political situation, was a petition for an assembly which was sent to the Duke of York by the chief officers of the colony.

Duke Intimates a Change of Opinion. This petition evidently produced an important effect on colonial affairs, for on February 11, 1682, Sir John Werden, the Duke's secretary, said in a letter to Anthony Brockholls, who had been left in charge of affairs in New York:

"Though I cannot yet positively assure you that it will be so, yet I may hint to you that we believe his Royal Highness will condescend to the desires of that Colony in granting them equal privileges, in choosing an Assembly &c as the other English plantations in America have. But if this be it will be upon a supposition that the inhabitants will agree to raise money to discharge the public debts, and to settle such a fund for the future as may be sufficient for the maintenance of the garrison and government. Wherefore you are privately to sound the inclinations of the principal inhabitants there upon this great point."

March 28 following, the Duke also wrote to Lieutenant Brockholls confirming what had been written by Secretary Werden, and said he intended to "establish such a form of government at New York as shall have all the advantages and privileges to the inhabitants and traders there, which His Majesty's other plantations in America do enjoy, particularly in the choosing of an assembly, and in all other things as near as may be agreeable to the laws of England." The Duke also suggested that in consideration of his granting an assembly, he would expect the people to provide certain funds for public purposes.

Thomas Dongan Appointed Governor. The next step in the evolution of popular government was the appointment of Thomas Dongan as governor of the colony.

Governor Dongan, who was then forty-eight years of age, was a member of one of the leading families of Ireland, and had served several years in the French army under Louis XIV, being Colonel of an Irish regiment. According to the Parliamentary Journals of January, 1678, Charles II had, a short time previously, issued an order requiring all his English subjects to leave France; and it seems that in consequence of this order Col. Dongan returned to England sometime in the latter part of the year 1677. Dongan was soon afterwards appointed Lieutenant-Governor of Tangiers, where he remained until 1680, when he was recalled. His commission as Governor of New York bears date September 30, 1682, and the accompanying instructions defining his duties in detail were issued January 27, 1683. (N. Y. Col. Doc., Vol. III, pages 328, 331.)

Colonial affairs apparently did not need immediate attention, for Governor Dongan did not arrive in New York until August 25, 1683, nearly eleven months after his appointment.

Assembly Granted. The intimation contained in the foregoing letters from Secretary Werden and the Duke of York early in 1682, that the petition for an assembly

would soon be granted, took positive form in an express grant of an assembly in the Duke's instruction to Governor Dongan, already noted. These instructions contained a complete scheme for a legislature composed of the governor, his council, which for this purpose became a legislative council, and an assembly chosen by the people. The Duke, the Proprietor of the colony, with absolute powers of government, except as affected by the laws of England and in certain cases the right of appeal to the crown, by the instructions to Governor Dongan granted to the people of the colony legislative power, by the following provision:

"You are also with advice of my Council with all convenient speed after your arrival there, in my name to issue out Writs or warrants of Summons to the several Sheriffs or other proper Officers in every part of your said government, wherein you shall express that I have thought fit that there shall be a General Assembly of all the Freeholders, by the persons who they shall choose to represent them in order to consulting with yourself and the said Council what laws are fit and necessary to be made and established for the good weal and government of the said Colony and its Dependencies, and of all the inhabitants thereof, and you shall issue out the said Writ or Summons at least thirty days before the time appointed for the meeting of the said Assembly, which time and also the place of their meeting (which I intend shall be in New York) shall also be mentioned and expressed in the said Writ or Summons, and you with advice of my said Council are to take care to issue out so many writs or summons and to such officers, in every part, not exceeding eighteen, so that the planters or inhabitants of every part of the said government may have convenient notice thereof and attend at such election, if they shall think fit. And when the said Assembly so elected shall be met at the time and place directed, you shall let them know that for the future it is my resolution that the said General Assembly shall have free liberty to consult and debate among themselves all matters as shall be apprehended proper to be established for laws for the good government of the said Colony of New York and its Dependencies, and that if such laws shall be propounded

as shall appear to me to be for the manifest good of the Country in general and not prejudicial to me, I will assent unto and confirm them. In the passing and enacting of all such laws as shall be agreed unto by the said Assembly, which I will have called by the name of the General Assembly of my Colony of New York and its Dependencies wherein the same shall be (as I do hereby ordain they shall be) presented to you for your assent thereunto."

Here was a general grant of legislative power, and a provision for the creation of an assembly of representatives of the people substantially in the manner prescribed for the English Parliament, and practically in the form with which we are so familiar under our constitutional system.

The Governor's duty in relation to the consideration of bills, which is now prescribed by article 4, section 9 of the Constitution, is set forth in the instructions as follows:

"You are to consider whether the same be for the general good and not prejudicial to me; and if you find them so to be, then you are to give your assent thereunto. But if you shall judge them inconvenient or prejudicial, you are to refuse your assent thereunto, and in all cases you are to have a negative voice to refuse all Laws that are presented to you; and when you shall have given your consent to such laws as shall be so agreed, you shall by the first opportunity transmit the same to me under the hands of yourself and Council, and under the seal of the Colony, (which you are to use in passing of grants) to the end that I may ratify and confirm the same, if I shall approve or reject them if I do not think them reasonable. But the said laws so assented unto by you, shall be good and binding until such time as I shall cause my dislike of and refusal to pass them to be signified unto you, and from thenceforth the same shall cease and be null and void to all intents."

The experimental character of the new form of government appears in the following provision:

"And I do also give you power from time to time to cause the said General Assembly to be summoned, which I also authorize you to adjourn or dissolve as you shall see reason and cause."

The suggestion in the letters from Secretary Werden and the Duke the previous year that if an Assembly were granted the people would be expected to provide funds for administering the government, found expression in part in the following provision relating to revenue bills:

"And I do further direct you not to pass any law upon any occasion whatsoever for raising any public revenue, unless express mention be made therein that the same is levied and granted unto me, or unto me for the support of the government or to such uses as the said law shall appoint. And you are as much as in you lyeth to take effectual care that there may be a constant establishment for raising of money sufficient to support and maintain the charge of the government of those parts both civil and military; and also that there may be money raised for paying and discharging the arrears now due to the officers and soldiers and other expenses of the government. And are not to suffer any public money whatsoever to be issued or disposed of otherwise than by a warrant under your hand. * * * * And you are not to pass any laws or do any act by grant, settlement or otherwise whereby my revenue may be remitted, lessened or impaired, without my especial leave or commands therein."

Temporary laws were restricted by the following provision:

"And it is my express will and pleasure that all laws whatsoever for the good government and support of my said colony of New York with its dependencies be made indefinite and without limitation of time, except the same be for a temporary end, and which shall expire and have its full effect within a certain time."

It will be observed that the legislative power granted to the Assembly was to be shared with the Governor and Council, who were also constituent elements of the legislature. The instructions expressly granted to the members of the council " freedom of debates and vote in all affairs of public concern."

THOMAS DONGAN, Governor.

It has already been noted that Governor Dongan arrived in New York on the 25th of August, 1683. He acted promptly in relation to an Assembly, and on the 13th of September writs were issued for the election of eighteen representatives apportioned as follows: Staten Island, Schenectady and Pemaquid, one each; Martha's Vineyard and Nantucket together, one; Esopus and each of the three ridings on Long Island, two each; Albany with Rensselaerwyck, two, and New York with Harlem, four. The writs were returnable the 17th of October, and the Assembly was required to meet on that day at Fort James in New York.

First Meeting of Assembly. The Assembly met in New York on the 17th of October, 1683. Its records are lost, and the names of its members have not been preserved, except that, according to the bills passed by it, Mathias Nicolls of New York was speaker, and John Spragge, who was also a member of the council, was clerk. One member — perhaps from Pemaquid, a remote settlement on the coast of Maine — was not present. Seventeen representatives appeared, and thus constituted the first Assembly in New York.

The Council was then composed of six members: Anthony Brockholls, Frederick Flypsen, Stephen Van Courtland, Lucas Santen, John Spragge and John Youngs. That Council sustained the same relation to the Colonial Legislature that the House of Lords sustained and still sustains to the English Parliament, and that the Senate sustains to the Assembly under the Constitution.

Here was instituted the first Legislature, composed of twenty-four men — the Governor, the Council and seven-

teen Members of Assembly. The loss of the journal of this Assembly, and the meager references to its proceedings in contemporaneous history, make it impossible to give a detailed statement of the procedure at its first meeting. It had long been the custom in England for the King to meet the House of Lords and the House of Commons together at the opening of Parliament, and in their presence deliver a speech relating to public affairs. The House of Commons thereupon chose a speaker who was presented to the King for his approval. We shall see when examining the proceedings of the revived Assembly in 1691, and of its successors till 1823, that the procedure at the opening of Parliament was closely followed at the first meeting of the Assembly.

The Colonial Legislature having been constructed on the parliamentary model, it may fairly be assumed that parliamentary procedure was followed at the opening of the first Assembly on the 17th of October, 1683, and that Governor Dongan in the presence of both houses delivered a speech, reciting the inauguration of the legislative system, and recommending specific subjects for the consideration of the Legislature. What recommendations were made, if any, we do not know. The Legislature passed fifteen laws which were approved by the Governor, and it is fair to suppose that some of them were recommended by him.

The bills passed at this session include the Charter of Liberties and Privileges, which was once approved by James as Duke of York, but was afterwards vetoed by him when he became King. Laws were enacted relating to the following subjects: Revenue, compensation of Members of Assembly, division of the Province into shires and counties, naturalization, abrogating existing provisions as to country rates and fees of justices, settling courts of justice, preventing willful perjury, providing for municipal taxation and the support of the poor, rewards for the destruction of wolves, preventing swine from running at large,

legal procedure in certain cases, confirming titles to certain real estate, providing for a present to the Governor, and preventing frauds in the conveyances of lands. The text of these laws may be found in Volume 1 of the Colonial Laws as compiled by the Statutory Revision Commission and published in 1897.

1684, OCTOBER. FIRST DONGAN ASSEMBLY, SECOND SESSION.

The first Dongan Assembly began its second session on the 21st of October, 1684, according to adjournment. Its journal has not been preserved. Mathias Nicolls was continued as speaker, and Robert Hammond was chosen clerk. There is no record of a speech by the Governor.

Thirty-one laws were passed, of which the following is a brief summary: Explaining the judiciary act of 1683, legal procedure, authorizing persons twenty-one years of age to convey lands, and persons fourteen years of age to choose guardians, prohibiting common baratry, champerty and maintenance, regulating the practice of medicine and surgery, the election of constables, punishing fugitive servants, preventing deceits and forgeries, purchasing Indian lands, prescribing marriage procedure, concerning cattle, cornfields and fences, regulating burials, assignment of specialties, qualifications of brewers, orphans, regulating certain real estate actions, requiring justices to attend court; masters, servants, slaves, laborers and apprentices, arrest on civil process, the militia, proceedings on judgments, proceedings on judgments of former courts, sale of cordwood, relating to a present to the Governor as provided by the act of 1683, encouraging trade and navigation, preventing damages from casting ballast into rivers, compensation of judges, Westchester Court of Sessions, confirming mortgages made before the restoration of Charles II, explaining revenue bill of 1683, and confirming certain judgments of former courts.

1685. SECOND DONGAN ASSEMBLY, FIRST SESSION.

Charles II died the 6th of February, 1685, and the Duke of York thereupon became James II of England. His relation to the colony of New York was thereby changed from that of a proprietor to that of a sovereign. King James formally communicated this change to Governor Dongan in a letter dated March 5, 1685, in which the King says that by reason of the death of Charles the propriety of the colony, which had been vested in him by letters patent from Charles, "is now wholly devolved upon Our Royal person and annexed to Our other Dominions." The government of the colony was to be continued as under previous instructions until further notice.

In May following writs of election were issued to fill vacancies in the Assembly from several counties, but afterwards, the question arose whether the death of Charles had not worked a dissolution of the Assembly. Believing that the Assembly had been dissolved by the death of the King, Governor Dongan on the 13th of August, 1685, issued a proclamation dissolving it, and on the 17th of August and the 2d of September writs of election were issued for a new Assembly. The Assembly was required to meet on the 20th of October following. On that day the new Assembly met and elected William Pinhorne speaker and Robert Hammond clerk. The records of this Assembly are also lost, and it is therefore not definitely known whether the Governor delivered a speech at the beginning of its deliberations.

It passed six laws, namely, to prevent Sabbath breaking, against swearing and cursing, against drunkenness, providing for monthly courts, removal of courts from Gravesend to Flatbush, and authorizing local ordinances as to swine.

1686. ASSEMBLY DISCONTINUED.

The Assembly of 1685 was adjourned to the 25th of September, 1686, and on the 4th of September was again prorogued to the 25th of March, 1687, but on the 20th of January, 1687, the Assembly was dissolved. This dissolution was the result of a new commission issued by the King to Governor Dongan, bearing date June 10, 1686, and which was received in New York on the 14th of September, after the Assembly had been prorogued to the following March. By this commission the Assembly was in effect, though not in terms, discontinued, and the following provision was made for legislation in the colony:

"And we do hereby give and grant unto you full power and authority, with the advice and consent of our said Council or the major part of them, to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said Province and of the people and inhabitants thereof and such others as shall resort thereto, and for the benefit of us, our heirs and successors.

" Which said laws, statutes and ordinances are to be (as near as conveniently may be) agreeable to the laws and statutes of this Our Kingdom of England.

" Provided that all such laws, statutes and ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted unto us under our seal of New York for our allowance and approbation of them, as also duplicates thereof by the next conveyance."

The commission also vested in the Governor and Council power to levy and raise necessary taxes for the support of the government. This commission eliminated the Assembly from the legislative system, and restored the early policy under which the Governor and Council exercised full legislative power, subject to the royal veto.

1690. LEISLER'S ASSEMBLY.

JACOB LEISLER, Acting Lieutenant-Governor.

By the death of Charles II, which occurred on the 6th day of February, 1685, his brother, the Duke of York, became James II of England. On the 11th of December, 1688, James abandoned the throne, and as a result William of Orange and his wife Mary, daughter of the Duke, became sovereigns of England on the 13th of February, 1689.

On the 7th of April, 1688, Edmund Andros received a commission as Governor of New England, which, by its terms, included New York. This union was distasteful to the people of the colonies who desired to retain and enjoy their former charters. In April, 1689, Governor Andros was seized and imprisoned in Boston. Francis Nicholson had been appointed Lieutenant-Governor with Governor Andros, and when the latter went to Boston in the autumn of 1688 was left in charge of affairs in New York. The Lieutenant-Governor was apparently not able to control affairs in the Province which had become seriously disturbed in consequence of the change of government in England, and doubtless also in consequence of the absence of Governor Andros.

Jacob Leisler took advantage of the situation and usurped executive authority in New York, ultimately assuming and attempting to exercise the powers which belonged to a Governor commissioned by the crown. Nicholson sailed for England in June, 1689, leaving Leisler practically master of the field with Andros a prisoner in Boston. Leisler proclaimed the accession and sovereignty of William and Mary, chose a Council and assumed to administer the government according to the forms with which the colony was familiar. On the 20th of February, 1690, he issued writs for an election of Members of an Assembly.

The Documentary History of New York, Volume 2, page 42, contains the following writ issued to the city and county of New York:

"Whereas, there is a great necessity to settle the affairs of the province, in a more especial manner than hitherto hath been thought requisite, and the attacks of the French at Schenectady calling for more than ordinary succours.

" These are in their Majesties King William's name, to will and require you to elect and make choice of two proper and fit persons to repair forthwith to this city, empowering them as your representatives to consult, debate and conclude all such matters and things as shall be thought necessary for the supply of this government in this present conjuncture, of which you are not to fail, as you will answer the same at your peril."

The people did not respond to this invitation to choose an Assembly, and on the 8th of April Leisler issued new writs, to which there was a general response.

This Assembly met in New York on the 22d of April, 1690, but it seems that the minutes of its proceedings have not been preserved. It appears, however, from contemporaneous correspondence that the Assembly met at the house of Mr. Walters, Leisler's son-in-law, who was a representative from New York, and that John Spratt was chosen speaker. It does not appear whether there was any speech by Leisler, who had assumed the title as well as the functions of Lieutenant-Governor. Parliamentary routine had not then become established in the colony, but we may probably assume that in some way Leisler communicated to the Assembly the object of its meeting, and the necessity for immediate legislation on specified topics. Some of these are pointed out in the preamble to the writ of election, and this of itself might have been deemed a message from the acting Lieutenant-Governor suggesting legislation concerning the subjects indicated. The legislation enacted at this session consisted of one statute imposing a tax of three pence in every pound for general public purposes, and giv-

ing to all inhabitants of the colony "equal freedom to bolt and bake and to transport where they please, directly to what place or country they think fit, anything their places afford," and providing "that the one place should have no more privileges than the other."

After a short session Leisler prorogued the Assembly to the 1st day of September, and in August issued writs of election to fill vacancies in certain counties. He also issued a proclamation on the 9th of August convening the Assembly on the 1st of September, in accordance with the previous prorogation. Leisler being absent from New York, the Assembly did not meet on the 1st of September, and on the 11th another proclamation was issued requiring the Assembly to meet on the 15th. In compliance with this proclamation the Leisler Assembly began its second session on the 15th of September, 1690. Its journal has not been preserved.

The legislation enacted at the second session included a tax of three pence in the pound, with a provision for the election of local assessors and collectors, punishing persons refusing to serve under Leisler's commissions, prohibiting the departure of any person from the colony without Leisler's consent, regulating the transportation of property, prohibiting the departure of any person from the counties of Albany and Ulster without Leisler's permission, and requiring all absentees to return to such counties within fourteen days.

The bills passed by this Assembly, and now on file in the office of the Secretary of State, include the following:

"Be it enacted and it is hereby Enacted by the General Assembly and by the Authority of the Same that all and every the Inhabitants of this Province may enjoy and receive the full privilege and benefits of the laws of this Province and that no freeman be taken or imprisoned but by warrant lawfully issued out, and that all courts of judicature be duly kept and observed according to the laws in that behalf provided, and that all persons imprisoned

within any place of this Province be legally tried by the laws of the land agreeing to the laws of their Majesties' realm of England, and for any such persons who are fled out of this Province be and are hereby required to return to their respective homes and habitations without trouble or molestation whatsoever—(within three weeks after publication hereof) but if any crimés are by them committed that they be legally tried before any courts of judicature within this province as the laws do require and all persons so fled as aforesaid and shall not return in the said time shall be deemed and esteemed as persons disobedient to the government."

The following attestation appears at the end of the bill:

"The representatives have assented to this bill (after three times reading) and ordered it to be sent to the Governor and his Council for their approbation.

JOHN SPRATT, *Speaker.*"

This was on the 18th of September, 1690, and, though the Legislature continued in session more than two weeks, the record does not show that the bill received the assent of the Lieutenant-Governor and Council.

1691. ASSEMBLY REVIVED AND ESTABLISHED.

HENRY SLOUGHTER, Governor.

Many of the troubles that beset New York might have been averted if Governor Sloughter, who was appointed on the 14th of November, 1689, had promptly assumed his official duties in the colony. Comparatively little progress had at this time been made by Leisler in the usurpations which had such a marked effect on the history of the colony, and which resulted in his own execution under a conviction of treason. A year and four months elapsed after Governor Sloughter's appointment before he arrived in New

York, and during this time Leisler had administered the government with a high hand, an Assembly had been chosen under his writ, laws had been passed, and various functions of government had been administered under the direction of a man whose assumption of executive power was wholly without authority. Governor Sloughter did not arrive in New York until the 19th of March, 1691, but four months had been spent on the voyage from the Isle of Wight by way of Bermuda.

The accession of William and Mary as sovereigns of England in February, 1689, marked the beginning of a new and most important era in English political history. The change of policy concerning New York, resulting from the change of government at home, was manifested by the provision in Governor Sloughter's commission, authorizing an Assembly, substantially as provided by the Duke of York in his first commission to Governor Dongan. Governor Sloughter was vested with full power to call an Assembly, and the Assembly together with the Governor and the Council, constituted a Colonial Legislature. As in the case of Governor Dongan, Governor Sloughter was given the veto power, and also the power to adjourn, prorogue, or dissolve the Assembly. It may be remarked here that this legislative policy, now for the first time declared by the Crown, continued without change during the remainder of the colonial period, and all commissions and instructions to the colonial governors during that time were substantially in the same form so far as concerns the structure and general powers of the Colonial Legislature.

New Assembly Called. On the 21st of March, 1691, Governor Sloughter issued writs of election for an Assembly, which was required to convene on the 9th of April. Beginning with this Assembly and its colleague, the legislative Council, the journals and records of the Legislature have, for the most part, been preserved, and are accessible to the student.

The first regular Assembly met on the 9th of April, as required by the writs of election. Following the English parliamentary custom, the two houses met in joint session and listened to a speech by the Governor, similar in character to the King's speech at the opening of Parliament. The journal shows that a speech was delivered by the Governor, and that the Assembly requested a copy of it, which was promised, but instead of furnishing a full copy the Governor sent the following memorandum:

"Mr. Speaker, The business offered to the consideration of the Assembly yesterday, by his Excellency, was,

An address to his Majesty.[1]

A committee to review and report the laws, courts and salaries of the judges.[2]

An act for ministers in every town, and their maintenance.[3]

An act, for quieting of the late troubles, and assurance of the people in general, from any pursuit, saving to every one his particular action.[4]

The support of the garrison at Albany, &c.[5]

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1 The address to the Crown was approved and signed on the 5th of May. The journals do not contain the text of the address.

2 A general judiciary act was passed on the 6th of May, 1691, chap. 4, providing for various courts, and creating the supreme court.

3 There was no legislation on the subject of ministers until 1693, chap. 36, which provided for the settlement and maintenance of ministers in certain counties.

4 The Assembly complied with this recommendation by enacting a law, chap. 1, on the 6th of May, "for the quieting and settling the disorders that have lately happened within this Province, and for establishing and securing their Majesties present government against the like disorders for the future."

This statute declared that "there can be no power and authority held and exercised over their Majesties' subjects in their Province and Dominion but what must be derived from their Majesties, their Heirs and Successors," and disturbers of the existing government were declared to be rebels and traitors.

5 An act, chapter 9, was passed May 13, imposing a tax on certain goods brought into Albany, the proceeds of which were to be used exclusively for local purposes.

The continuation of the revenue, with such amendments and additions, as may be necessary.[6]

In which particulars, the House is desired to proceed with such expedition as may be, there being a necessity of the Governor's going to Albany, in a short time, and a recess of the Assembly, unto a larger day.

This is his Excellency's and the Councils Direction.

MATTHEW CLARKSON, *Secretary.*

To JAMES GRAHAM, Esq;
Speaker of the Assembly,
Fort William Henry, *April* 10, 1691."

At the suggestion of the Assembly, on the 10th of April, it was agreed that all communications from the Governor and Council be in writing.

SPECIAL MESSAGES.

April 10. Relative to a conference committee to prepare an address to the Crown, and for other purposes. (See note 1.)

April 14. Relative to the military establishment.[7]

April 15. Recommending an act to establish courts of judicature. (See note 2.)

April 16. Assigning the Attorney-General to draw bills for the Assembly. Apparently the Attorney-General did not give this assignment much attention. He went to Boston without leaving any substitute as draftsman for the Assembly, and George Farewell was designated to perform this service. On the 24th of April the Assembly appointed its speaker, James Graham, as draftsman of its bills. But

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6 A general revenue act, chapter 11, was passed on the 16th of May, intended to provide funds for carrying on the government and for other public purposes.

7 This recommendation was embodied in the militia law, chap. 5, passed May 6th, requiring the enrollment of all male persons between fifteen and sixty years of age, and also requiring soldiers to provide themselves with the necessary arms, accoutrements and ammunition. Members of the militia residing in the city of New York were authorized to furnish substitutes.

the question was not settled by this appointment, for on the 9th of May the speaker presented to the Assembly a communication from the Governor and Council, suggesting a conference as to the method of drawing bills. The Assembly declined to join in the conference for the reason that the Council had already assigned the Attorney-General to draft bills.

April 18. Informing the Assembly of the "many good services done to this Province by Capt. William Kidd, in his attending here with his vessels before his Excellency's arrival," and suggesting "that it would be acceptable to his Excellency and this Board that they consider of some suitable reward to him for his good services."[8]

April 20. Requesting the opinion of the Assembly as to the propriety of granting a reprieve to Jacob Leisler and Jacob Milborne, convicted of treason. The Assembly say that "their Majesties have only intrusted that matter of reprieving with his Excellency alone; and they dare not presume to give their opinion thereupon."

In another communication to the Assembly on the 11th of May the Governor says he "understands there is very great disquiet and dissatisfaction amongst the people of this Province, some being displeased that the prisoners were not executed, and others declaring that he had not power to execute them;" and requests the opinion of the Assembly as to "what may be proper for the quieting and securing the government." The Assembly suggested a conference with the Governor and Council, which was agreed to.

On the 15th the Governor informed the Assembly that there was a great clamor among the people because the prisoners had not been executed, and that a majority of the Assembly having given their assent to the course about

[8] By an act, chapter 12, passed on the 16th of May, the Assembly recommended that Captain Kidd be paid one hundred and fifty pounds for his services.

to be pursued, it had been resolved by the Council that "as well for the satisfaction of the Indians as the asserting of the government and authority, residing in his Excellency, and preventing insurrections and disorders for the future, it is absolutely necessary that the sentence pronounced against the principal offenders, be forthwith put in execution." Leisler and Milborne were executed the next morning, the 16th, and on that day the Assembly declared its approval of what the Governor and Council had done.

April 23. Thanking the Assembly "for their great diligence" in expediting public business.

April 23. Recommending that provision be made for the support of the judges of the Oyer and Terminer and of the Supreme Courts. The Assembly replied that the subject of the courts had already been considered in connection with the act settling courts of judicature.

April 29. Recommending legislation relative to "the extravagance of tradesmen and laborers' wages that work by the day in this Province."

May 5. Presenting an engrossed copy of an address to their Majesties, William and Mary, which was approved and signed by the Governor and each member of the Council and the Assembly. (See *ante,* p. 19, note 1.)

May 11. Transmitting a memorial from the collector of the port in relation to revenue.

May 18. Transmitting for the concurrence of the Assembly a proclamation "for calling back such as through fears and jealousies have deserted their habitations, and assure them of freedom and liberty from unlawful and vexatious suits."

May 18. Thanking the Assembly for their good services, for the care they had taken of the Province, and for their kindness towards himself, and recommending an adjournment of the Legislature to the 8th of September following. Both houses adjourned accordingly.

RICHARD INGOLDESBY, Commander-in-Chief.

By Governor Sloughter's death, which occurred on the 23d of July, 1691, the government was devolved upon the Council until some other person should be authorized to act. On the 26th of July the Council considered the question of succession, and determined that Major Richard Ingoldesby, by virtue of the commission received by him from the Crown, and under which he acted on his arrival in New York in January, 1691, was the highest royal officer in the Province; he was accordingly designated as Commander-in-Chief, and took the required oaths. The letters patent and instructions to the late Governor Sloughter, with the seal of the Province, were delivered to Major Ingoldesby, and he acted as Governor until the arrival of Governor Fletcher in August, 1692. The records describe him as Commander-in-Chief, but he assumed and apparently exercised the ordinary powers of the Governor, including the powers relating to the legislature.

The Assembly was adjourned to the 8th of September, but no quorum appeared until the 10th, and no business was done on that day except to appoint a committee to wait on the Commander-in-Chief and Council, and inquire whether there was any business with this house, for the King and Country's service.

September 11. There was no speech by the Commander-in-Chief at the opening of the session, but on this day the following communication was sent to the Assembly:

"The first thing offered to their consideration is the maintenance and defence of the frontiers at Albany, this following winter; which in their opinion requireth a more considerable force than what is already provided.[1]

[1] An act, chap. 15, was passed on the 29th of September, providing one hundred and fifty men for the defence of Albany.

And that Major Schuyler's late expedition to Canada, which hath proved very successful, hath cost above eleven hundred pounds, the accounts whereof shall be presented to their House if desired; that this charge is more than what can be supported by the present revenue; and that they would consider of some method of raising money for defraying the extraordinary charges of the government, occasioned by the war."

SPECIAL MESSAGES.

The following communications from the Commander-in-Chief and Council were presented to the Assembly:

September 26, 28. On the 26th the Assembly sent a communication to the Commander-in-Chief and Council expressing the opinion that the sins of the people had brought upon them the displeasure of Almighty God, which had been manifested by the "burthensome war and a blast upon the corn," and recommending that a day "of fast and humiliation" be observed once in each month until the following June. On the 28th the Commander-in-Chief and Council directed that proclamation throughout the whole Province be made, setting apart the first Wednesday of each month until the following June, as a fast day, and prohibiting any servile labor thereon.

October 2. The Commander-in-Chief adjourned the Assembly until the 19th of April, 1692.

1692. APRIL. FIRST ASSEMBLY, THIRD SESSION.

RICHARD INGOLDESBY, Commander-in-Chief.

The minutes of the Assembly for this session are missing. The Council records show that on the 20th of April a committee from the Assembly notified the Commander-in-Chief and Council that it was ready for business, and that a communication was thereupon sent to the Assembly,

relating chiefly to the defence of Albany, and that when Governors should be appointed to the neighboring Provinces application would be made to them for assistance in defending the northern frontier of New York. An act was passed at this session (April 29) providing for the enlistment of two hundred men for the defence of Albany.

April 29. The Commander-in-Chief exhibited to the Assembly letters showing the necessity of immediate negotiations for the purpose of preserving friendly relations with the Indians. The Assembly recommended that provision be made for a present to the Indians.

April 29. The Assembly was adjourned to the 16th of August, 1692.

1692. AUGUST. FIRST ASSEMBLY, FOURTH SESSION.

RICHARD INGOLDESBY, Commander-in-Chief.

BENJAMIN FLETCHER, Governor.

As already noted, the Assembly had been adjourned to the 16th, but no quorum appeared until the next day. Major Ingoldesby, the Commander-in-Chief, was the executive head of the province during the first part of this session.

Governor Fletcher was appointed on the 18th of March, 1692. He arrived in New York on the 30th of August, and immediately took the oath and assumed the duties of his office. On the 21st of October, 1692, he was also appointed Governor of Pennsylvania, and held that office until August 20, 1694, when his commission was revoked. He retired from the office of Governor of New York, April 2, 1698, having spent thirty-five years in the public service.

August 17. The Commander-in-Chief in the presence of both Houses delivered the following

OPENING SPEECH.

GENTLEMEN.— I did expect before this time to have met with the settlement intended by their Majesties for this government, but that being not yet arrived the care thereof continues still with me. I do therefore acquaint you that by the advice of the Council I went to Albany in the spring, where I found great disorder, the people discontented and all the fortifications out of repair; the Indians weary of the war and all the out settlements forsaken; for remedy whereof I did reinforce Schenectady with thirty men, and garrisoned the Half Moon with forty men more. I found it likewise necessary that there should be a garrison at Connestaguioena, but could not effect it for want of men, the two hundred agreed on by act of Assembly falling short near fifty of their complement, so that place, though of as great import as any, now wholly deserted; in my negotiations with the Indians I found them very difficult and much inclined to a peace; however with great industry I have reclaimed them and doubt not but have made them firm and steady to us until we have directions from England, as you will perceive by their propositions now ordered for your perusal. This expedition hath cost near £1000, and there not being money in the public coffers, was forced, as the Council and you advised, to raise the sum of near £800 at ten percent interest. I must therefore, Gentlemen, remind you of your promise, and recommend to your care the settling of a fund for the speedy defraying of this charge, that our credit may be preserved; for if you should now either fail or be dilatory in your promise, it would prejudice our reputation forever.

GENTLEMEN.— I am sorry to tell you that the laws you have made for the security of the Province are so little regarded by the people, that of all the money you have raised there has not yet been paid above £1625,16s., and the pay of the forces actually employed in the service doth

amount to £3500. This matter, Gentlemen, I must earnestly recommend to your diligent consideration, for it will be a vain thing to make laws if they cannot be effectually executed. A law without execution is like a body without a soul, and it is likewise impossible for me to secure the frontiers if there be no money to pay the soldiers you appoint for that service. I have hitherto, with advice of the Council, borrowed money for that purpose that the reputation of the Government might not sink, expecting that the levies would come in for the reimbursing of it; but that now failing, am afraid we shall not have the like credit for the future. Therefore, Gentlemen, as it is the people that are defective herein, and as you are their representatives, you will do well to make strict inquiry into the Cause of such neglect, for we are the first government that ever had an assembly of the people and had their laws thus disesteemed.

GENTLEMEN.— I have many things further to recommend to your consideration, but am afraid you will not have time this session to accomplish them; I shall therefore only confine myself to that only necessary, the securing the frontiers at Albany.[1] You are not insensible that the levies you appointed for that service expire upon the first of October next, and how advantageous it is for yourselves as well as for all their Majesties' subjects in our neighboring plantations that that place should be well secured. I need not tell you I am of opinion that there must be at least 300 men to secure it this winter. I hope therefore you will take effectual care to make such suitable provision for the securing the frontiers that the seat of the war may continue remote from us, and that there may be no more disappointments in what you intend, but what proposed by

[1] This suggestion was incorporated in an act, chapter 22, passed September 10, which provided for raising two hundred and twenty men for the defence of Albany.

you effectually executed according to your intent; the charge of the 300 men will amount near £3500.

GENTLEMEN.— I must also mind you that upon strict examination and inquiry the debts of the government upon the 25th of March past (all the revenue expended) do amount to £3000.

GENTLEMEN.— I have found you always ready to join with me in things needful for their Majesties' service, so that I hope I shall not need to use any arguments to persuade you to provide for those sums and despatch those matters so necessary for your own preservation.

SPECIAL MESSAGES.

August 30. Benjamin Fletcher takes the oath as Governor, and assumes the duties of his office.

September 1. Urging immediate action relative to the defence of Albany and the northern frontier. Recommending that an effort be made to find a suitable remedy for the "decay of trade and the poverty of the people," and protesting against the continuance of loans at ten per cent interest. (As to Albany, see note 1.)

September 2. Governor Sloughter's death had suggested a question as to the status of the Assembly, which was chosen under writs of election issued by him. On this day Governor Fletcher sent a communication to the Assembly, in which he said "he understood some scruple was moved in the House of Representatives, whither or not, the Assembly being called by the late Governor Sloughter, were a lawful Assembly, and that their debates thereupon did impede their dispatch of other affairs that required present expedition for their Majesties' service, whereupon it is resolved, *nemine contradicente*, That being continued by several adjournments until this time, they are a lawful Assembly;

Ordered, that Chidley Brook, Esq., do attend the House of Representatives to acquaint them thereof, that there may be no loss of time in their Majesties' affairs."

September 2. Transmitting a proposed act against privateers and pirates, "which was recommended to him by their sacred Majesties in order to be enacted by the Assembly of this Province."[2]

September 6. Transmitting the appointment of a committee to confer with a similar committee from the Assembly concerning an address to the Crown. On the 8th of September the following address to the Crown was approved, and signed by the members of both Houses:

"*To the King and Queen's Most Excellent Majesties:*

Your Majesties most faithful, humble, and obedient Subjects, your Council and the Representatives for your Majesties' Province of New York, now met in General Assembly, being deeply sensible of your Majesties great grace and favor, in conferring the command of this your Province upon his Excellency Colonel Benjamin Fletcher, your Majesties' Captain General and Governor of these Parts; by whose Conduct, Prudence, and other requisite Abilities, we have entire Confidence and firm Belief that this your Majesties' province will be happily governed, and your Majesties' Affairs well and faithfully administered. As also being heartily affected with your Majesties' princely and gracious Care, in sending over such Ammunition, Arms, and other Stores of War, fit for the Defence of your Majesties' Subjects here; do therefore, with most grateful Hearts for these your royal Benefits, tender your Majesties our most humble and cordial Thanks and Acknowledgments for the same; and with all dutiful Submission offer to your Majesties royal Consideration,

That when these Countries were possessed by the Dutch West India Company, they always laid Pretences (and had the most Part of it within their actual Jurisdiction) to all that Tract of Land (with the Islands adjacent) extending from the West Side of Connecticut River, to the Lands lying on the West Side of Delaware Bay, as a suitable Portion of Land for one Colony or Government; all which, in-

2 An act, chapter 21, was passed on the 10th of September, against privateers and pirates, and making a violation of the act a felony punishable with death without benefit of clergy.

cluding the Lands on the West of Delaware Bay or River, were in the Duke of York's Grant, from his Majesty King Charles the Second; whose Governors also possessed those Lands on the West Side of Delaware Bay or River; that by several Grants, as well from the Crown as from the Duke, the said Province has been so diminished that it is now decreased to a very few Towns and Villages; and the number of Men fit to bear Arms in the whole Government not amounting to 3000, who are all reduced to great Poverty and Necessity. That by Reason of the near Situation of the neighboring Colonies, contiguous and adjacent to New York, and their being without all Government from the Crown, free from all Impositions, Taxes, Charges of Government whatsoever, or Contributions towards the Expense of this War, the People of this Province do forsake their Dwellings here, and settle in the other Colonies, whereby the Strength of this Province is enervated, its Trade decayed, Revenues lessened, and upon all Levies of Men for the Common Defence, our Neighbors harboring all Deserters, we are thereby wholly bereft both of those Men and that Money which the War we are engaged in with the French and their Indians continually requires. That the Security of Albany (being a Place to which the Five most warlike Nations of Indians upon this Main of America have always traded and had Resort) is of such Consequence, that the Safety of Virginia, Maryland, and the Rest of your Majesties' Colonies on this Main depend much upon it; that the French with their Jesuits and other Priests, by Pretext of Religion, fair Words, Presents, Threats, and all other Practices and Artifices, have long endeavored, and still do strive to corrupt those Indians in their Inclinations to the English, and to get them to Side with our Enemies against us. If Albany should be left (which God prevent) those Indians have no Place for their Commerce and Supply of Arms, Ammunition, and Clothing, but Canada; so that pressed by their Want they would be forced to leave us, go over to the Enemy, and turn their Arms upon the English; who being for the most Part settled singly in Plantations, would be wholly left to the Spoil of a vagrant, barbarous, and merciless Enemy; who by Reason of their Poverty, vast Lakes, Wilderness, Swamps and Inaccessable Mountains, by an Army of Ten Thousand Men, in many Years, can neither be extirpated nor reduced to Obedience.

That the Defence of Albany lying wholly upon this small poor Province, has so exhausted it, that without your Majesties' royal Commiseration and Relief, it will absolutely sink under its burthen, and its Inhabitants must either be ruined, or forced to leave their Habitations.

This being the true State and Condition of this your Majesties' Province, we cannot but esteem it our Duties, humbly to acquaint your Majesties with the same, and earnestly to pray that your Majesties will graciously be pleased, either by sending us a sufficient force and supplies from England, or by your Majesties special and direct orders to the several adjacent Colonies, to assist us in the defence of this important Place, or by such other Means as your Majesties in your most princely Wisdom, shall think fit to redress this the distressed Province, and render us capable of defending ourselves from our Enemies, and supporting your Majesties' Government and Interest in this Country.

And that the Almighty God will protect your Majesties' Royal Persons, defeat all your Eenemies' Designs, and continue Success to your Majesties' Arms, both by Land and Sea; prosper all your royal Undertakings, and forever crown you with immortal Blessings, is and always will be our constant Wishes and Prayer."

September 10. The Governor prorogued the Assembly to the 14th of September, but on the 13th issued a proclamation dissolving it.

1692. OCTOBER. SECOND ASSEMBLY, FIRST SESSION.

BENJAMIN FLETCHER, Governor.

The writs of election for this Assembly were returnable October 24. There is no record of the proceedings of the Assembly until the 8th of November. The Council minutes show that on the 26th of October the Governor in the presence of both Houses delivered the following

OPENING SPEECH.

BENJAMIN FLETCHER, CAPTAIN-GENERAL AND GOVERNOR-IN-CHIEF OF THE PROVINCE OF NEW YORK AND THE TERRITORIES DEPENDING THEREON IN AMERICA, AND VICE-ADMIRAL OF THE SAME.

To the Representatives assembled together for that Province at the City of New York, October the 24th, 1692:

GENTLEMEN.—You are convened here by their Majesties' writ to consult and advise of such proper methods as may be effectual for their Majesties' service in the common defence of this Province, in which the security of your own persons and property being equally concerned, I shall need but few arguments to prevail upon you in a speedy despatch of those things which may conduce to both the season of the year and your own desires of spending the sharpness of the winter with your families, I hope I will quicken you to a despatch of such things as are laid before you.

And first: That we may the better hope for a blessing from Almighty God, I recommend to your care that provision be made for the support and encouragement of an able ministry, and for the strict and due observation of the Lord's day.[1]

In the next place, I desire you will look into the debts of the government and consider of a fund for the payment of them, which being done I shall take care to prevent any future incumbrance during my administration.[2]

The necessary support of the government I recommend to your thoughts in this time of war, none of you being ignorant that the Indians in our alliance must be supplied with arms, ammunition and other presents.

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[1] An act providing for ministers in certain counties was passed in 1693, chap. 36.

[2] An act, chap. 29a, passed November 11, was intended to provide revenues to pay the debts of the Province within two years.

I have visited the frontiers and put them into some posture of defence for this present winter, and am required by their Majesties to build forts at Albany, Schenectady and such other places as I shall see convenient, which being once well done will ease the annual charge of posting militia there.

I am informed that the revenue settled upon their present Majesties determines in April next; I hope you will not be wanting in the expression of your loyalty and affection to their Majesties, who are of the same religion with ourselves, but rather outdo what former assemblies have done.[3]

The settlement of our courts of judicature with the salaries of the judges do also shortly expire; justice and the due administration of the laws is the life of government; you will consider the continuation of that act in relation to courts of justice, with a proper support for the judges as an advantage to yourselves, and also the subjects of this Province.[4]

I will not question your true zeal for their Majesties' service and your own welfare; I cannot think of more effectual ways to answer both those ends than by unity and concord among us, burying all heats and animosities in the grave of oblivion. And if you can think of any act by which your properties and liberties may be better secured, you shall find a ready concurrence in me for your satisfaction and the public good in which I shall never mix my own private interest. And so, Gentlemen, I wish a happy agreement amongst you for their Majesties' service, your own prosperity and the common safety.

BENJ: FLETCHER.

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[3] A general act was passed November 11, chap. 24, "establishing a revenue upon their Majesties for the defraying the public and necessary charges of the government."

[4] The judicial system was continued by an act, chap. 28, passed November 11th, which was substantially a re-enactment of existing judiciary laws.

SPECIAL MESSAGES.

October 26. Recommending additional legislation for the relief of Albany.

October 29. Recommending the establishment of a post-office.[5]

October 29. Recommending legislation for the purpose of liquidating the debts of the province amounting to seven thousand eight hundred and ninety pounds, eighteen shillings and one and one-half pence, and also providing for a "scheme of the annual charge" of the government. (See Note 2.)

November 12. Transmitting a communication in relation to official fees.

November 14. The Assembly was adjourned to the 20th of March, 1693.

1693. MARCH. SECOND ASSEMBLY, SECOND SESSION.

BENJAMIN FLETCHER, Governor.

On the 22d of March, Governor Fletcher delivered the following

OPENING SPEECH.

GENTLEMEN.— I am glad to meet you again here for their Majesties' and the country's service.

I remember that in the last sessions of the Assembly I did recommend to you the settling of a ministry in this

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[5] An act, chap. 25, passed November 11th, established a post-office in the Province. The preamble recited that Thomas Neal had received from the home government letters patent authorizing him to "erect, settle and establish" post-offices in the chief parts of the American colonies, and that Andrew Hamilton had been appointed postmaster-general of the colonies. The act authorized the establishment of a "general letter office" in the city of New York, provided for the transportation of mail, and fixed the rates of postage.

province, that the worship of God may flourish amongst us, without which we cannot but expect a judgment to follow us and all our undertakings; I do not understand that you have made one step towards it; therefore recommend it to your particular care this sessions.[1]

GENTLEMEN.— I need not to tell you that the French of Canada, and their Indians, have made a late attempt upon our frontiers and of the victory we have obtained over them. Some of you have been in the service whose courage and behavior is to be commended. I was well pleased to see the forwardness of every one to that action, and am sorry that the enemy have got so well away. I am informed that the charge of that expedition will amount to £600, which I lay before you to provide a fund to defray it.

There is also a necessity of my going to Albany this summer, to preserve that old alliance between us and the Indians of the five Nations, or (as they term it) to renew the old covenant chain. The charge of this journey and the presents to be made to the Indians will be £600 more, which is likewise to be considered.

GENTLEMEN.— I did formerly recommend to you to provide for the building of a stone fort at Albany, and do now tell you there is a necessity for the doing thereof. A small regular fortification of stone, furnished with such ordnance and stores of war as their Majesties have sent hither with me, will defend us and all their Majesties' provinces and colonies on this main. Fewer men will be required to maintain the frontiers, and be able to give a stop to the greatest force Canada can send against us, until we shall have time to bring strength sufficient to beat them, which I believe we shall never fail of.

If you can therefore propose an act of assembly obliging all sloops going up Hudson River to Albany to take in

[1] This subject was included in an act, chap. 36, passed September 22, 1693, which provided for the settlement and maintenance of ministers in certain counties.

some considerable quantity of stones for ballast, to be left at Albany for that use, or any other methods to ease the charge thereof, I shall be glad of it.

GENTLEMEN.— Their Majesties have a weighhouse in the city of New York which from time to time hath paid a rent unto their Majesties. I would have it settled upon their Majesties by act of assembly.[2] We are in actual war. Our charges are daily growing upon us, we must therefore let nothing fail that can add to the revenue, be it never so small or inconsiderable.

I did endeavor the last sessions to have the revenues settled upon their Majesties for their lives; but it was not granted. I hope you have better considered thereof, and are sensible of the great care and affection which their Majesties have expressed towards you. They have ordered a man of war to attend your coast, sent over 20 pieces of ordnance, small arms and considerable stores of war, and maintain the two companies of grenadiers at the expense of their coffers in England; they have devoted the revenue of the province wholly to the support of the government thereof, and have no other benefit from you but the bare title.

GENTLEMEN.— There is one small request to you which I hope will meet with no opposition, and that is, that the King's name may live forever amongst you, I would have a bill pass for the calling Long Island the Island of Nassau.[3]

GENTLEMEN.— The fusileers at Albany are to be discharged the first of May, which draws near, and we see by daily experience that the French of Canada, by means of these prisoners that are amongst our Indians, have a constant, sure intelligence of all our steps. Therefore, I do

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2 This subject was included in an act, chap. 32, passed April 10, "establishing certain rates and duties upon such goods, wares and merchandises as shall be brought unto their Majesties' beam in the weigh-house at New York".

3 An act, chap. 31, passed April 10 changed the name of Long Island to "Nassaw".

recommend it to you, to make such provisions for the frontiers that the detachments shall not move from them until they be relieved by others.[4]

GENTLEMEN.— I understand there are great complaints amongst the people that the taxes and impositions are heavy, which I must confess; but it is not harder with us than with our brethren in England; nor can we expect it to be otherwise whilst the war continues. We must therefore bear it with cheerfulness and patience.

GENTLEMEN.— I am now glad to understand that the feuds and heats that were amongst the people, are at an end. I know no better remedy for them, nor means to confirm our peace, than a virtuous, pious life and conversation, which I hope every one of you will endeavor in your several places of residences; and for my part by the help of God I shall study to give a good example. These things are what I have to offer at present. I shall be ready to give you any assistance. I leave them before you and beg your dispatch. So, Gentlemen, you may return to your House.

SPECIAL MESSAGES.

March 23. Recommending the immediate consideration of measures for the relief of Albany. (See note 4.)

April 10. The Governor, after delivering the following speech, adjourned the Assembly to the first of September, 1693:

GENTLEMEN.— I have received their Majesties' commands to travel into Pennsylvania, to receive that Province and New Castle under my care and government, which I hope will be an advantage to this Province, and if our taxes and duties for the future be made easier thereby, I shall not value my trouble. I find it therefore needful at present, though there is but little done, to adjourn you for some time.

[4] Provision was made for the defence of Albany by an act, chap. 30, passed April 10, which appropriated six thousand pounds for the purpose of paying three hundred volunteers and their officers.

GENTLEMEN.— The first thing I did recommend to you at our last meeting, was to provide for a ministry; and nothing done in it.[1] There are none of you but what are big with the privilege of Englishmen and Magna Charta, which is your right; and the same law doth provide for the religion of the Church of England, against Sabbath breaking, swearing and all other profanity. But as you have made it last, and postponed it this sessions, I hope you will begin with it the next meeting, and do somewhat towards it effectually.

GENTLEMEN.— You have been very cheerful in passing of the £6000 bill for the reenforcing of the frontiers; for which I return you thanks, and shall recommend your care of the frontiers to their Majesties.[2] As for the bill to call Long Island the Island of Nassaw, it met with some opposition amongst you, but I believe it proceeded merely from ignorance; for the calling of that Island by a new name for the time to come, can no ways hurt or injure any former grants or conveyances of lands; I had no other design in proposing of it unto you, than that we might put some mark of our respect upon the best of Kings, which you have granted. I am also thankful for that.[3]

The third bill which you have passed, is for their Majesties' beam at the weighhouse. I am a stranger to the manner of its being first established, but am informed that it was by agreement between the English and Dutch, upon the surrender of this Province, continued in force with all the former rules and duties thereof. I found it in the King's possession upon my arrival, and have condescended that, for the ease and benefit of the merchants and inhabitants of the City of New York, you should regulate the fees and duties thereof, as should seem good; which I am contented to agree unto. But it seemeth strange to me that you should go about to limit it to two years, being their Majesties' property; that you have consented to take off the limitation, is so far well.[4]

GENTLEMEN.— Upon my return from Pennsylvania (God willing), I shall visit Albany and the frontiers, so that we cannot expect to meet again in a short time. Do therefore adjourn till the first of September next, and wish you all safe to your homes.

(As to ministers, see note 1; Albany, note 2; Nassau, note 3; weighhouse, note 4.

July 27. The Second Assembly was dissolved, and writs of election for a new Assembly were issued returnable September 7.

1693. SEPTEMBER. THIRD ASSEMBLY, FIRST SESSION.

BENJAMIN FLETCHER, Governor.

The meeting of the Assembly had been fixed for the 7th, but there was no quorum until the 11th. On the 12th Governor Fletcher delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN THE REPRESENTATIVES OF THIS PROVINCE.— I observe many of you were of the former Assembly; your knowledge in the affairs of the government of this Province and methods of Assembly will shorten what I have to say.

I recommended to the former Assembly the settling of an able ministry, that the worship of God may be observed among us, for I find that great and first duty very much neglected; let us not forget that there is a God that made us, who will protect us if we serve him. This has been always the first thing I have recommended, yet the last in your consideration. I hope you are all satisfied of the great necessity and duty that lies upon you to do this as you expect His blessing upon your labors.[1]

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[1] On the 22d of September an act, chap. 36, was passed, to settle a ministry and provide for their maintenance in the city of New York, and the counties of Richmond, Westchester and Queens. The preamble recites that for want of a settled ministry "profaneness and licentiousness" had overspread the Province, therefore "to the end the same may be removed and the ordinances of God daily administered," it was enacted that protestant ministers should be established in New York and the counties named, their compensation was fixed, and provision was made for its payment by public taxation. Vestrymen and church wardens were to be chosen by the freeholders, who were to meet for that purpose annually on the second Tuesday in January.

GENTLEMEN.— The next thing I have to lay before you is the settlement of their Majesties' revenue in this Province.[2] Their Majesties are of our own religion if we are true Protestants, and there are some that have not nor will be wanting in England to make their remarks of your behavior in this matter. I am a plain man and have had my education in a camp; I do not pretend to rhetoric, nor the part of an orator. I have seen his present Majesty expose his person for our religion and liberty as he does at this day; it is inexcusable if we do not place some marks of our dutiful respect upon their present Majesties. A former assembly of this Province gave the same revenue (to which there is not added one halfpenny) to King James and his heirs, which is forever. Their Majesties have never ordered a farthing of it to any other use than the support of government and defence of the Province, and not only so, but have sent over more sums, more ammunition and greater stores than ever any King before them hath done; beside the payment of the two companies out of their own coffers and the great expense in maintaining a guard ship for your defence will certainly call for a grateful sense from loyal subjects. And for us to pretend to settle the revenue for two years only, is not what might be expected from subjects under so high obligations. If we are true Protestants, we cannot easily forget the great deliverance we have received when we were even upon the brink of popery; besides, their Majesties' examples of virtue and piety in their lives with the consideration of this mighty deliverance should influence us to some more than ordinary mark of affection and esteem, and to settle the revenue (which is very easy to everyone) upon their Majesties for lives (which pray God may be long and prosperous). It is the least testimony we can give them of our thankfulness

[2] An act, chap. 34, passed September 22, settled the royal revenue for five years. The Governor had recommended that it be settled for life.

for their care of the government. I have lately received some further royal marks of their care for the defence of Albany, having ordered a sum of money out of their own coffers to that purpose.

GENTLEMEN.— Let not opportunity be given to any person to asperse you with that new coined name of Jacobites, but let us show a zeal and good affection for their Majesties and their government, which is all my aim and shall be my endeavor.

I have designed a platform on which I purpose to mount a battery for the defence of this city, which is indeed the safety of the Province. I suppose you have all heard how we have been lately alarmed with the noise of a squadron of French ships designed to attack this place. I have viewed the river and sounded in several parts, in order to raise some fortifications to impede their access to the city, but at length concluded a good battery upon this platform would answer the end. I have, by their Majesties' favor unto you, guns for one tier; I have wrote for more, and shall be the better enabled to ask them or what else there may be occasion for, when you have showed your respects to their Majesties in settling the revenue upon them for their lives.

There is likewise the King's Chapel in the fort, which being ready to fall down to the danger of many lives, I thought it convenient to pull it down, and if you will give something towards the rebuilding of it, we will all join in so good a work. If his Majesty were not engaged in an expensive war I should not doubt to have orders to rebuild it at his own charge. I leave these things before you for your consideration, which consists of but three heads; your duty to God, your loyalty and affection to the best of Kings, and your own safety and defence.

So, Gentlemen, you may withdraw to your House. I pray God direct you to proceed in these things which are most consistent with conscience and honor.

SPECIAL MESSAGES.

September 15. Transmitting a memorial from Andrew Hamilton in relation to the postoffice.

September 20. Transmitting a petition from the freeholders of Westchester County, complaining of the inequality of the taxes assessed upon that county as compared with other parts of the Province.

September 22. The Governor in the presence of both Houses, considering the bills passed at that session, calls special attention to the recommendation in his regular speech relative to settling the revenues upon their Majesties for life, and said:

"I had no other end to ask it for their Majesties' lives but your own interest and the benefit of the Province; I did tell you that the whole council were for giving it for life, and you have so little to say against it, that I can attribute it to nothing less than stubbornness, as if you had agreed to deny what is asked you. You have given it for five years and I have passed it. I wish you had considered better your own interest; but I shall say no more of it." (See note 2.)

Referring to the bill to settle a ministry, the Governor said:

"In that very thing you have shown a great deal of stiffness. You take upon you as if you were dictators. I sent down to you one amendment of three or four words in that bill, which though very immaterial, yet was positively denied. I must tell you it seems very unmannerly; there never was an amendment yet desired by the Council board but what was rejected; it is the sign of a stubborn ill temper, and this I have also passed. But

"GENTLEMEN.— I must take leave to tell you, if you seem to understand by these words (calling the minister) that none can serve without your collation or establishment, you are far mistaken; for I have the power of collating or suspending any minister in my government by their Majesties' letters patents; and whilst I stay in the government, I will take care that neither heresy, sedition, schism,

nor rebellion be preached amongst you, nor vice and profanity encouraged. It is my endeavor to lead a virtuous and pious life amongst you, and to give a good example. I wish you all to do the same. You ought to consider that you have but a third share in the legislative power of the government, and ought not to take all upon you nor be so peremptory; you ought to let the Council have a share; they are in the nature of the House of Lords or Upper House; but you seem to take the whole power in your own hands and set up for everything. You have sat a long time to little purpose, and have been a great charge to the country; ten shillings a day is a large allowance and you punctually exact it. You have been always forward enough to pull down the fees of other ministers in the Government. Why did not you think it expedient to correct your own to a more moderate allowance?

"GENTLEMEN.— I shall say no more at present, but that you withdraw to your private affairs in the country. I do prorogue you to the 10th of January next."

November 16, 1693. The Third Assembly was dissolved, and on the 30th of November following writs of election were issued for a new Assembly.

1694. MARCH. FOURTH ASSEMBLY, FIRST SESSION.

BENJAMIN FLETCHER, Governor.

No quorum appeared on the first of March. On the 3d, the Governor delivered a speech, but the records do not contain a copy of it. A summary of the speech in the Council Minutes states that the Governor "recommended to their care and consideration the reinforcement of Albany and the frontiers from the first of May next at least for one year, and with as many fusileers as have been there this last year.

That it would be a great encouragement as well to the Inhabitants of Albany as to the fusileers to be paid weekly

or every fortnight in money, that therefore they consider of raising a present fund to that purpose, the dilatory coming in of the taxes putting a necessity upon the soldiers to take up such things as they want upon the credit of their pay at great disadvantages from one person.[1]

That the Indians are staggering and will want great encouragement by presents if possible to keep them from joining with our enemy against us.[2]

That the charges of the government, being time of actual war, are still great and therefore will be a necessity of continuing of the additional duty raised to pay the debts of the government during the continuation of the war.

That they will consider the fort is much out of repair, the chapel pulled down to prevent its falling, to provide for the rebuilding of it.

That they will think of repairing the fortifications and the making a platform and battery as his Excellency did project it to defend the city, which is the key of the Province, from attempts by water.

And desired them, to consider that the neighboring colonies are under great taxes as well as themselves, and they are not to despond because of the burden of the war, there being no subjects in Europe under so light burden and small payments at this very day as this Province; so bid them withdraw to their house."

SPECIAL MESSAGES.

March 19. Recommending immediate consideration of measures for the relief of Albany. (See note 1.)

March 20. The Assembly met the Governor and Council at the Fort, and the Governor there again urged the neces-

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1 An act, chap. 39, was passed on the 26th of March providing for raising one hundred and seventy men for the defence of Albany.

2 This subject was included in an act, chap. 37, passed March 26, continuing for one year an act authorizing the expenditure of six hundred pounds for the public defence, and for making a present to the Indians.

sity of immediate action relative to the defence of Albany. (See note 1.)

March 21. Urging the Assembly to provide for at least one hundred and seventy men for the defence of Albany, to which would be added thirty men from New Jersey, and that provision should also be made for presents to the Indians, "without which (if at all) their stability and friendship to this Province is not to be thought of." (As to Albany, see note 1; Indians, see note 2.)

March 22. The Assembly met with the Governor and Council at the Fort. Referring to the situation at Albany, the Governor said:

"I find you are about to frame a bill for the weakening of the garrison at Albany, which I declare I can never assent to, unless you can demonstrate that either the enemy are grown weaker or we stronger.

"The same Letters Patent that gives you authority to sit in Assembly, make me Captain-General of this Province, and you must allow me to be a competent judge what number of forces are needful to secure the frontiers; it is your business to provide a subsidy for them. I can command the whole militia of the Province, and am ready to head them upon occasion. I am bound in honor and duty to their Majesties to expose my life for your defence, but if you deny subsidy to a sufficient force upon the frontiers, you tie my hands and fetter me.

"If you are minded to give up the country to the enemy by weakening that garrison which is the key thereof, I wash my hands of all the evil consequences to follow thereupon, and for this end I sent for you; if you will not help yourselves I can do nothing. It is a foolish argument which I am informed some of you have used, because your neighbors will not assist you to quench your house on fire, you will not endeavor it by the children and servants of your own family. It is true I have received a commission for the command of the militia of Connecticut, but they refuse to obey it. I have another commission for the government of Pennsylvania, but you must first convert them before they will either be concerned in the shedding of

blood or contribute aid to such as do it. I can do no more but lay this before you. Consider if it be sufficient to suffer our own ruin because our neighbors will not assist us.

"There is likewise a necessity for my going to Albany to meet the Indians, and desire you will provide a fund for presents to them. I profess I should be ashamed to see them with less forces there or with an empty hand, unless it were to take leave of them for good and all, and that it were intended they shall join our enemies and turn their arms against us; therefore lay it to heart.

"GENTLEMEN.— I think there is but twenty men and six officers more to be provided for, and this is all the difference between us; let us part in friendship and don't be wanting to yourselves in so small a matter."

March 24. The Council minutes contain the following:

"His Excellency did acquaint the Council that he hath received letters from Major Schuyler last night, giving advice that the Indians of the five Nations are in haste to make an agreement of peace with the French of Canada, that there are other messengers come from Canada to them and they are very desirous to see his Excellency forthwith;

"That he called an Assembly at Pennsylvania who are to meet the 10th of April next, where he hath designed to be present, and therefore desired the opinion of the Council which of those services is first to be attended.

"The Council are of opinion and advise his Excellency to go first to Albany to meet the Indians.

"It is also the opinion of the Council that his Excellency do communicate the two letters which he received last night from Albany to the Assembly, and that they be made acquainted that notwithstanding his Excellency's intention to meet the Assembly of Pennsylvania, the Council think it needful and have advised that his Excellency go first to Albany to meet the Indians; that there is at least six hundred pounds wanting towards presents and the charge of this expedition and no money in the Treasury to defray it; That therefore they be desired to provide a fund to defray that charge either by the continuation of the additional duty which will give a credit to advance the money or some

other way which they can think upon is most convenient; which was ordered accordingly."

(As to Indians, see note 2.)

The letters were on the same day communicated to the Assembly.

March 26. Announcing his action on the bills passed at the session, and proroguing the Assembly to the 25th of September following.

1694. SEPTEMBER. FOURTH ASSEMBLY, SECOND SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly had been adjourned to the 25th of September, but bad weather prevented the meeting of a sufficient number to form a quorum. The session was continued several days by prorogation, and on the 6th of October, according to the Council Minutes (the Assembly Journal says the 5th), the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN THE REPRESENTATIVES OF THIS PROVINCE.—As we parted in friendship and a good understanding the last sessions, in our endeavors for their Majesties' service and the country, so I hope we are now met again with the same resolutions to give our joint assistance.

The first thing I thought to acquaint you with, is my transactions with the Indians at Albany since I saw you last; but I refer it to these of the house who were witnesses to all that passed.

The peace they have made with Canada will lay us more open to the enemy's designs and it is needful we be more watchfull against them.

I recommend to your care the usual supplies for Albany and the frontiers during the winter, which is reckoned the time of greatest danger.[1]

I must also tell you that I find the ill effects of that husbandry we fell upon the last sessions, in abating four pence from the men's pay. The hire of the laborer and everything else in this country is dear, and we cannot get men to serve for eight pence; two pence half penny will not give them shoes to their feet; the rest goes for their victuals; they run away in troops seven at a time; those men we have from the Jerseys are paid twelve pence a day weekly, which discourages our men; the cold weather comes on, the duty is hard, and they cannot serve barefoot.

GENTLEMEN.— Their Majesties have sent us over ammunition and stores with twenty great guns; it is our duty when the king is so gracious to send us them for our own defence, not to let them lie in the dirt; the least we can do is to mount them; it will require money.[2]

The soldiers' barracks in this fort were ready to fall down and kill them; the timber rotten and the walls cracked; with advice of the Council I have ordered them to be pulled down and are now rebuilding; this will fall likewise under your consideration.

I desire you will appoint a committee of your house to join a committee of the Council to view the fort and what necessary repairs are wanting.

As for the money which you have raised, I would have you see a particular account of the disposition thereof. Their Majesties' collector and receiver general will be ready on all occasions; it is neither sunk into any private pocket nor disposed to any private use.

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1 An act, chap. 41, was passed on the 22d of October, which provided for raising one hundred men for the defence of Albany, on a service of four and a half months from November 1. The act appropriated five hundred pounds for the pay and maintenance of the troops.

2 An act, chap. 42, passed on the 23d of October provided for mounting sixteen great guns.

I understand the courts of justice established by act of Assembly are to determine in April next. You know the great need and use of their establishment and will see cause to continue them; so may withdraw to your house. I pray God direct you.

SPECIAL MESSAGES.

October 9. Transmitting a letter from Sir William Phipps, "Governor of Boston," from which the Assembly concluded that no assistance could be expected from Boston for the securing of the frontiers at Albany. (See note 1.)

October 10. Informing the Assembly that the home government had ordered the enlistment of recruits sufficient to make the military force four hundred, that such recruits were expected daily; and that it would be necessary to provide for their compensation in addition to the sum allowed in England.

October 11. The Assembly by invitation attended the Governor and Council at the Fort, at which time the Governor urged immediate and liberal action concerning the pay of troops for the defence of the frontier, saying it would be "impossible to get men to serve at Albany this winter for two pence a day," "or to keep the men together who are coming over, when they are told there is no money for them after seven years service, and they can step into the neighboring Province and have better pay." (See note 1.)

October 13. Protesting against the action of the Assembly in providing only eighty men for the defence of Albany, saying that "in case the Assembly shall not think fit to give that reasonable assistance towards the defence of the frontiers which is necessary, his Excellency must be forced to take such measures for the maintaining the frontiers this winter, as their Majesties' Letters Patent do empower him and the exigency of that affair shall require."

The Assembly replied that if the Governor would wholly "take off the detachments of men out of this Province, and raise one hundred men in the neighboring colonies for the reenforcing and securing the frontiers of this Province at Albany, for this winter season, from the first of November, until the 15th of March following; that then this House will raise the sum of Seven Hundred Pounds, for the paying and maintaining the said One Hundred men; so that this Province may be eased and wholly freed from the detachments of men, a thing so grievous to the Province in general."

On the 15th the Governor sent another message to the Assembly refusing to consider its suggestion. (See note 1.)

October 17. Governor Fletcher persisted in his demand for more troops, and on this day required the attendance of the Assembly at the Fort, where he said to them, among other things: that the foregoing answer of the Assembly "bears a very unsuitable return to the favors their Majesties have graciously cast upon us at this time when there are so many weighty affairs in hand, and their expenses so great." He said he had been unable to receive assistance from the other colonies except the Jersey's, that the home government had agreed to send over enough men to make a standing force of four hundred. Those recruits received at home eight pence per day, but that sum was insufficient to maintain them in this country. He therefore recommended that their compensation be increased to twelve pence per day, which should apply also to the men already on the frontier. The Assembly replied that it was willing to provide for one hundred men at eight pence per day. (See note 1.)

October 19. The Governor and Council concurred in the Assembly proposition to raise one hundred men, but insisted that they be paid twelve pence per day. (See note 1.)

October 20. Transmitting a letter from the Crown recommending that the chapel in the Fort be rebuilt. The

Assembly suggested that the chapel be rebuilt by free contributions from the several counties.[3]

October 22. Referring to the proposition to rebuild the chapel, the Governor told the Assembly that its advice had not been asked as to the method by, which the Governor should proceed in effecting his Majesty's pleasure, "but to know of the Assembly what they will contribute, in pursuance of that letter, towards so good a work by establishing some fund for that purpose," and that "the most loyal and proper way for all their Majesties' subjects freely to contribute, is by act of Assembly." (See note 3.)

October 23. The Assembly was prorogued to the 21st of March, 1695.

1695. MARCH. FOURTH ASSEMBLY, THIRD SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly was adjourned to the 21st of March; on the 23d the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN THE REPRESENTATIVES OF THIS PROVINCE.— I have often affirmed an undisputable truth that my coming to this government was in obedience to their Majesties' commands, not my own choice or seeking.

Nevertheless since my arrival I have with all possible address applied myself to effect the safety, liberty, concord and ease in all respects of their Majesties' subjects under my direction.

The burthen of detachments has been almost unsupportable; a heavy grievance; this I have endeavored to lighten by supplies from England, in which their Majesties have

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[3] An act. chap. 42. passed on the 23d of October, appropriated four hundred and fifty pounds to rebuild "their Majesties' chapel in the fort."

been graciously pleased to favor my humble desires, and that the full complement is not yet come must be attributed to that Providence which all mankind ought with humility to submit to, and not in the least to want of their Majesties' gracious condescension to my solicitous and repeated requests in behalf of this Province, or defects of any fit application on my part to attain the desired end.

In disposal of the money raised by Act of Assembly for defence of the frontiers, I have used an unprecedented caution, plainness and integrity; not fingering any farthing myself; disposing of none but by advice and consent of Council, and exposing to your view and examination, not only the most minute accounts of the disbursements, but the muster rolls also; which office of muster master is executed by a member of your house, so that nothing is hid from you.

If this my care, diligence and openness had met with a suitable reception and confidence, I have not the least doubt but this colony had found the security and ease I intended and so earnestly endeavored. I am sorry to justify myself by a necessity imposed on me of charging whatever is deficient on the wilfullness or neglect of others.

I will not enlarge, especially upon anything which may seem harsh though accompanied with never so much truth.

The chief matters you are called together for are two; the first is the defence of the frontiers and of our Indians. You cannot be ignorant that money is wanting to pay those garrisons, Albany and Schenectady; other places must be fortified upon this nearer approach of the French to Cadaracqui.

I lay before you the last accounts from those parts; if there be not a speedy care taken for relief and assistance to those Indians, their loss will prove ours.

The other matter fit for your consideration is the debts of the government, occasioned by the many unforeseen occurrences and accidents in this time of war.

I hope as I have not been wanting in all points of good husbandry, so you will do your duty in enabling their Majesties to preserve their rights and the lives and properties of their subjects in those parts, and that they who have given faith to the credit of the government upon all its emergencies, may be justly and speedily paid.

Those I earnestly recommend to you, and that you will give such dispatch to those urgent affairs as their absolute necessity and the season of the year requires.

SPECIAL MESSAGES.

March 26. Replying to an inquiry by the Assembly as to the probability of aid from other provinces in defending the frontier, the Governor said he knew of no certain aid or assistance that might be expected from other parts, and therefore desired the Assembly to raise a supply for two hundred men, for one year at twelve pence per day, and officers at their usual pay. A conference committee was appointed for this purpose.

March 27. Replying to a request from the Assembly for the muster rolls of the last two detachments, the Governor said the muster master was absent on the frontier, and therefore the muster rolls could not be produced.

April 2. Urging immediate consideration of measures for the protection of the frontier.

April 2. Denying the request of the Assembly for an adjournment of that body until the muster rolls could be examined.

April 3. Recommending that all public moneys raised be immediately invested in their Majesties to be used as directed by their Letters Patent, and estimating that four thousand pounds would be needed for the defence of the frontiers. Two days later a conference committee was appointed to consider this subject.

April 9. Vetoing a bill on which the Council had acted adversely, providing for the supplies for the frontier. The Governor says the bill contains "several matters inconsistent with truth, the trust by their Majesties reposed in me, and the end for which it is mentioned to be made." "I will not detach a man, and yet by God's assistance will secure the frontiers; but if by your distrust and tenacity in withholding just and reasonable supplies, I am necessitated to burthen the Province by drawing such part of its militia to guard the frontiers as I shall judge requisite, the grievance apparently lies at your door, and cannot, without the highest abuse to truth, be imposed on me."

April 10. Repeating in part the reasons given in his veto message, the Governor again urges the adoption of adequate measures for the defence of the frontier. In another message, the same day, the Governor urged "the approaching necessity for the relief of those few forces, now on the frontiers, which will break or desert the first of the next month," and said: "The ill consequences of blood, devastation or mischiefs which may happen, I wash my hands of, and it must be justly laid at your doors, if you will not contribute to your own securities. I shall expect you to be witnesses of my endeavors, and appeal to the King as the only judge of your actions and mine in this great affair, your own safety, and his Majesty's service."

April 12. The Council records contain the following:

"The Speaker and the whole house being present in Council Chamber, His Excellency did acquaint them that he hath sent for them to use his utmost endeavors to remove those misunderstandings which seem to be among them, having found a sort of stagnation upon all business; then passing along the passages of the Assembly since the last meeting, did use many pregnant and persuasive arguments for their proceeding to consider of the safety and ease of the Province, and to leave fruitless and causeless contention and jangling; after which remanded them to their house."

April 13. On the 12th, the Assembly, acting on a petition by Church wardens and vestrymen in the city of New York, expressed the opinion that "the vestrymen and church wardens have power to call a dissenting protestant minister; and that he is to be paid and maintained according as the act directs." The next day the Governor commanded the attendance of the Assembly in the Council Chamber, and at this meeting considered the action of the Assembly relative to dissenting ministers. The Governor said there was no church except the Church of England that admitted of church wardens and vestrymen, and that it was out of the province of the Assembly to explain an act they did not make; "the laws are to be interpreted by the judges."

April 13. At the same meeting the Governor reproved the Assembly as follows:

"I am now sorry to tell you you have sit a long time to oppress and burden the country, at the charge of ten pound a day, besides other contingencies, and have had no regard to their Majesties' service nor the safety of the Province. The whole time is spent rather in contention for superiority, right of government, and who shall command; for that supply which you pretend you would give, is no supply at all — if a man give me one thousand pound and oblige me to pay two thousand, he gives me nothing.

"You now desire license to print the votes. Mr. Speaker knows at the opening of the sessions, if I may call it one, I told him they might be printed *de die in diem;* but it never was asked before."

He said he had done all he could to lighten the burdens of the Province, that the members of the Council had an interest in the Province as great as that of the Assembly, contributed as much for its support, and were entitled to the confidence of the Assembly. Referring to the apparent determination of the Assembly not to raise sufficient supplies, the Governor said he had decided to prorogue that body, and it was accordingly prorogued to April 23.

No acts were passed at this session.

April 22. Governor Fletcher dissolved the Assembly on the ground that it had failed to make needed appropriations for the defence of the frontiers.

1695. JUNE. FIFTH ASSEMBLY, FIRST SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly met on the 20th of June. The next day the Governor made a short speech, but the journals do not give it in full. The following abstract appears in the Council minutes:

"Then recommended to them their own ease and safety in securing the frontiers, the quota assigned by her Majesty to this Province of two hundred men for a joint force of all the neighboring colonies to be upon the frontiers, and an encouragement to the forces lately come over;[1] and to consider of the circumstance of the Province with relation to the late intelligence come from Albany and the Lords of the Admiralty by way of Maryland."

SPECIAL MESSAGES.

July 4. The Assembly and Council held a joint meeting at which the Governor announced his approval of five bills and his rejection of two others, one relating to deserters, and another containing a compliment of five hundred pounds to himself, for which the Governor expressed his thanks, but he thought it not consistent with his honor to pass the bill. He told them "he was glad to see they had done their business quietly without noise, and much expense of time, and hoped they would prove a healing assembly." The Assembly was then adjourned to the first of October.

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[1] An act, chap. 43, was passed on the 2d of July, providing for the defence of the frontier.

BENJAMIN FLETCHER, Governor.

The Assembly had been adjourned to the first of October, but no quorum appeared until the second. On that day the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN THE REPRESENTATIVES OF THIS PROVINCE.—I am glad to find you met together so exactly to your time, and hope you are come with good hearts and inclinations to serve his Majesty in securing the Province, which is your own interest and what I heartily wish for and shall always endeavor.

The first thing I recommend to your care is the security of the frontiers,[1] which to me seems to lie under some hazard, the garrisons weaker than ever, the revenue is very much indebted, the taxes in arrears, our charges daily grow, our neighbors value themselves upon their agents in England and deny any assistance, and his Majesty's gracious commands in favor of this Province and for the safety of his whole territories upon this main wholly defeated; the agents of the neighboring colonies misrepresent things and are driving at their private interests, by which means our burthen continues, and now the enemy have got into a nest; a regular fort of stone and lime at Cadaracqui which without all doubt will prove of dangerous consequence to us all, if means cannot be found to drive them out.

It will therefore be needful an agent or agents be sent home from the government, to represent our case and cir-

[1] This subject was included in an act, chap. 51, passed October 22, providing for fusileers under the command of Major Schuyler; also an act, chap. 53, passed on the 24th of October, appropriating seven hundred pounds to be used in paying the King's troops.

cumstances.[2] I have not been wanting in my duty in repeated endeavors by writing in behalf of the Province, nor have they proved unsuccessful with his Majesty, but a paper may be forgot, is laid aside and cannot answer the suggestions and false glosses that may be put upon things by the agents of our neighbors.

It is true, Gentlemen, this Province has been under heavy duty and taxes and is much wasted thereby. You have paid great taxes and the people done hard duty upon the frontiers. It was all ordered by yourselves and must redound to your praise. Our neighbors owe their safety and preservation to it. We are next the enemy and a barrier to them who are under none of these duties nor burdens. We are at a great disadvantage with them in matter of trade likewise. We have laid several duties upon goods and merchandize at importation and exportation, with an excise for a revenue to support the government; their ports are free and open to all. They not only deny assistance to us, but cover and protect those of the forces his Majesty has graciously sent over lately when they desert. We shall be reduced to our former and greater difficulties if these things be not remedied, it is plain to us. Our neighboring colonies have both got our trade and people; mankind go where they can be most easy, but these things are not so well known at home and there are many other weighty affairs in hand. This comes upon me at once and I am in my letters for England. I shall not trouble you with more at present but that you consider of a living witness to appoint an agent or two from you the Council and myself, that our case may be truly stated and fairly represented to the King. When I shall think of anything else I shall find a way to communicate it to you. So you may withdraw to your house and God Almighty direct you.

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2 An act, chap. 50, was passed on the 22d of October appropriating one thousand pounds for the employment of William Nicolls as agent of the Province to solicit the King's assistance in protecting the frontiers.

SPECIAL MESSAGES.

October 5. Replying to an inquiry by the Assembly as to "what will be needful for the security of the frontiers the winter ensuing," the Governor recommended that provision be made for the pay of Major Schuyler's company, and that supplies be furnished "for the encouragement of the companies appointed by his Majesty, that their number may be kept up, to prevent detachments." (See note 1.)

October 16. Appointing a committee from the Council to confer with a similar committee from the Assembly in relation to supplies for the King's troops. (See note 1.)

October 19. Appointing a committee from the Council to join with a committee from the Assembly in preparing an address to the Crown. This address was signed on the 30th.

October 22. At a joint meeting of the Assembly and Council, the Governor disposed of pending bills. He approved one relating to attorneys, observing that it was a matter he little understood, for he had never had a law suit, and hoped he never should. He also approved a bill against the profanation of the Lord's day, remarking that he hoped all would learn so to lead their lives as to make every day a Sabbath. He also approved a bill appropriating one thousand pounds for an agency, and said: "I doubt not but you will find it well bestowed and prove very beneficial to the Province, when there is a fair and true representation made to his Majesty of our circumstances. It is too hard for this Province to have the whole charge of the war upon us, when it is a general defence to the rest. I do not question but the King will alleviate our burden." Other bills were disapproved, including one making an appropriation of five hundred pounds for levy money, which the Governor declared to be wholly inadequate for the purpose intended.

October 23. Appointing a conference committee relative to the quota of troops required from this Province.

October 24. The Governor again, in the presence of both Houses, disposed of certain bills. One continued a former judicature act, but, says the Governor, "with an addition which I do not like; it being a thing unprecedented for the county justices to have the power of trying title of land, where the construction of deeds and writings is necessary, and requires more skill in the law than any of them can pretend to. In England those controversies are tried by *nisi prius,* before judges learned in the law; however it is temporary and by the advice of the Council I have passed it." He also approved a bill appropriating seven hundred pounds "for an encouragement to keep up the companies till the first of May next," remarking that not a farthing of the appropriation should be perverted to any other use.

Preparatory to an adjournment, the Governor made the following recommendation to the Assembly:

"There is one thing I have to offer to you before we part, and that is, that you inquire into the grievances and abuses in your several counties; what oppressions, what maladministration or abuses are committed by any ministers or officers of the Government, that care may be taken to redress them. You are or ought to be men of good interest in your counties, and if you find any complaints of tyranny or arbitrary power, that are false and groundless, it is your business to suppress those murmurings by your better information. If otherwise, you ought to represent them in Assembly. One of the first things appointed in a House of Commons is a committee for grievances. If you find abuses in inferior officers, then you are to apply to the Governor and Council, who are ready to give satisfaction in removal of them; if it be of the superiors as the Governor or Council, then you have the liberty of applying to the King. I am but a transient person amongst you, and am willing to answer for anything that I have done. You have now your agent going home. I am very willing you make what application you please. The Council have been witnesses to all my actions, and they are men of greatest

interest in the country. But if there be nothing but an evil spirit of murmuring, backbiting and slander, without any other cause or reason than the perverse humour of disaffected persons and unreasonable men, it is your business to inform them better of their duty to their superiors and towards one another, that the government may be happy and harmonious, and a good affection and cheerfulness in doing those things which are for your ease and safety; which I call God to witness has been my greatest study since I come amongst you."

October 26. The Assembly was adjourned to the 25th of March, 1696.

1696. MARCH. FIFTH ASSEMBLY, THIRD SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly was adjourned to the 25th of March, but no quorum appeared until the 7th of April. On that day the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN REPRESENTATIVES.—The great favors and kindnesses we have received from our most gracious King call for the utmost extent of our obedience and gratitude.

His Majesty, by late supplies of men, artillery and other stores of war, with the royal commands for assistance from the neighboring governments (if a due compliance be made) has enabled us to withstand and oppose all our enemies and to live in a happy security. Nothing but our sins can render his Majesty's care ineffectual. The blessings of Almighty God will go along with our endeavors if we first assert our duty to Him and pay a due deference to our Prince. Obedience to government is a part of religion.

The King neither commands nor desires anything of us but what may contribute to our own felicity; and this will be easily accomplished by a proper use of all those helps he has graciously condescended to give us.

It must be considered that all utensils of war are but tools, and of no use without hands to employ them.

The King has sent us men to work with those tools for our ease and safety; but men wear out; they die, they desert; are often sick and weak. Armies and battalions must be kept up by constant recruits, else they crumble to nothing.

The forces late sent over are much weakened since their arrival and will be more so unless some proper encouragement be thought of for them, as in the like case practiced in the Leeward Islands. The rate of laborers runs so high in this country that most necessitous men rather choose to earn their bread with the spade than the sword.

We shall want both men and money to render his Majesty's gracious assistance answerable to his royal intentions.

It ought ever to be acknowledged with an humble sense on our parts that, notwithstanding his Majesty's present pressures, the great and bloody war he is engaged it, the daily hazards he exposes his sacred person to, yet he remembers this little handful of his people.

Let us not forget what we owe to such a King, to such royal bounty. Let us not forget ourselves, but wisely consider our own safety by strengthening our frontiers,[1] which I chiefly propose to you as the best return we can make; the most acceptable service we can do to our King and to our country.

His Majesty has by his royal letter recommended to us the building of a chapel in this fort; a former Assembly

[1] This subject was included in an act, chap. 56, passed April 18, making several appropriations for frontier defence.

took some notice of it; I hope you will not be wanting on your parts to forward and finish it.[2]

I have directed Col. Cortlandt and Col. Heathcote to lay before you a clear account both of the revenue and taxes, which will give you satisfaction. You will find the government in debt; and consider that such gentlemen as have advanced money upon the credit of it may not suffer for their zeal for the public weal, being the money thus lent has been when alarms or other exigents have called for an immediate care, wherein our common safety seemed concerned, and at such seasons when we could not timely meet in Assembly. I will not doubt of your care in a matter of such moment. You will all concur to keep up the credit of the government, which in some measure is the safety of it.[3]

The money granted last sessions is in great part left to my dispose (it is not yet paid). I desire for my own ease and your satisfaction that a committee of your House may confer with a committee of the Council on this matter, that the money be applied to the public good. I would have it obvious to you and all men that it is not converted to any by or private end, nor do I desire one penny of it should be paid unto me, nor to be any further concerned than to sign warrants for the payment of it to such uses as you shall advise.

GENTLEMEN.— I wish you a good agreement and understanding amongst yourselves that his Majesty's favors be not lost upon us, but that the safety, honor and prosperity of this Province may be timely considered, as by his Majesty in the repeated succours he has been graciously pleased to send us, so on our parts by an humble acknowledgement for them and a proper application of them.

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2 By an act passed on the 18th of April, chap. 57, an additional appropriation of four hundred and fifty pounds was made for finishing the chapel in the fort.

3 An act, chap. 57, passed April 18, provided for paying the debts of the Province.

SPECIAL MESSAGES.

April 9. Appointing from the Council members of a conference committee relative to measures for the defence of the frontier.

April 16. Recommending a bill for the payment of Major Schuyler's company for two months.

April 20. Recommending that the Assembly immediately ascertain the debts of the government, and provide for the payment thereof, and for the completion of the chapel. (As to the chapel, see note 2; debts, note 3.)

April 24. Announcing his approval of certain bills. The Assembly was thereupon adjourned to the 29th of September.

1696. OCTOBER. FIFTH ASSEMBLY, FOURTH SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly was adjourned to the 29th of September, but on the 12th of September the Governor issued a proclamation again adjourning the Assembly until the 15th of October, for the reason that the public service required his attendance at Albany. A quorum appeared on the 16th, at which time the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN REPRESENTATIVES.— The season of the year will hardly admit of a long session, yet the present state of the Province calls for deliberate and mature consideration.

The last session was carried on with a true regard of our duty to his Majesty, our most gracious King. We had no heat, but were united, agreeing in all our debates, so I hope

it shall always be; we remain the same men and retain the same principles.

MR. SPEAKER.— I am to acquaint you I have been necessitated twice this summer by advice and consent of the Council to visit Albany. The French Governor of Canada marched with so considerable a force into the Indian country of Onondaga and Oneida that I could not suppose his design would end there, but expected that he would with that strength attempt Albany, where I was ready to adjust my duty in defence of the place. He contented himself with a poor insult over our naked Indians, and retired. Yet he destroyed the castles and corn of those two nations, who must perish this winter if not relieved by us.

You all know they have been true to their Majesty's interest in joining with this Province against our common enemy the French, and, unless encouraged, may be compelled by poverty to make their peace with them.

My second journey was to comfort those distressed Indians and to assure them of his Majesty's royal favor and protection, and to renew the covenant chain with the whole Five Nations, which has been done with as much cheerfulness on the part of the Indians as I have ever yet observed.

I gave them those present which his Majesty in his great consideration of their services to us (his loyal subjects of this Province) was pleased to send from England, as marks of his royal bounty; they bespoke the magnificence of our great King, yet did not answer the wants of those distressed people, so that the Council thought it necessary to add, at the charge of the Province, such things as suited best their present necessities. This has occasioned a great charge which I recommend to your consideration and hope you will inquire into.[1]

[1] An act, chap. 58, passed the 30th of October, appropriated two hundred pounds for the relief of the Indians whose castles and corn had been destroyed by the French. The same act appropriated two hundred pounds to reimburse the Governor for money borrowed and used by him during the recent French invasion of the Indian country.

The Council has joined with me to take money on the credit of the government to answer this emergency.

At my renewing the covenant chain (so the Indians term it) I found myself obliged to promise a supply of provisions to the Onondagas and Cayugas, they being the only sufferers of the Five Nations in the French descent. This I hope you will consider by raising a fund to answer it.

MR. SPEAKER.— The money so generously granted in a former session for the encouragement of his Majesty's companies has not had the effect you designed and I endeavored. Either the neglect of the assessors and collectors, or want of force in the acts, has occasioned a great arrear by which the soldiers have been discouraged and evil-minded men have found arguments to persuade them to desert the service. The most of those who voluntarily enlisted themselves upon the encouragement you gave of three pound a man levy money (which I am sure was paid them), notwithstanding the addition of four pence a day which you have also given, they have deserted; fourteen out of one company taking the King's arms with them, and are received and harbored by their relations in the face of the magistracy. This evil has its source principally from the failure of payments at the appointed times, so that three companies, which ought to be a hundred each, are dwindled to two hundred twenty-one men. One hundred more will barely answer a necessary force for the defence of that place, which I recommend to your consideration.[2]

Col. Cortlandt, who receives that money, will show you, as he does me, that of the taxes payable the 25th of March past there is an arrear of twenty-one hundred seventy-nine pounds, five shillings and four pence farthing, and of that payable the 29th of September last, one thousand two hundred and nineteen pounds, thirteen shillings, two pence

[2] An act, chap. 58, passed on the 30th of October, appropriated six hundred pounds for the purpose of raising one hundred additional men.

half-penny.[3] I hope you will think of preventing this malady by giving force to your acts, that money be duly paid according to the time, and that all deserters may be punished, with those that harbor them.

The security of this Province, your own estates and freeholds, depends upon your care in these two material points.

MR. SPEAKER.—I have received an address from the magistrates of Albany desiring my presence with them this winter. I assured them I was ever ready to be where his Majesty's service calls, and promised them an answer in fourteen days; but was willing to have the concurrence of the Council and Assembly in a matter which seems of moment; all correspondence betwixt York and Albany being shut up by the frost for some months. Their address I shall lay before you; it contains their reasons.

I desire a committee of your House may join a committee of the Council to consider of it and give me advice.

I am very sensible of the great pressures we lie under by the present war while this Province singly bears the weight and is become a frontier to our neighboring Provinces whose safety is derived from the preservation of Albany no less than ours.

We not only pay a duty upon our trade, but are also taxed for our private estates; the very noise thereof frightens away the trading vessels to the neighboring colonies that are free from this duty, albeit they often come to a worse market.

I have made frequent application for assistance from our neighbors, but have not been able to obtain one man, but this matter will be represented to his Majesty by those employed for that purpose. You have an agent in England of your own choice, who I am sure will faithfully state the case of the Province before the King, and I do not doubt but that his most sacred Majesty will afford us such relief as will lighten our burthen.

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[3] An act, chap. 58, passed on the 30th of October, contained provisions for more efficient enforcement of laws for the collection of taxes.

I hope you will not let a good cause (the general concern) fall for want of a supply.

GENTLEMEN.— You have free access to all the books of receipts and disbursements of the revenue and taxes of the Province; I do earnestly desire you all to satisfy yourselves in the disposition of it.

I do declare to you and shall be always able to make it appear that I never received one penny of the public money raised upon the country, neither by my own hand or any other, for my use, nor never designed or desired to enrich myself by it; in this matter you can vindicate me when you please.

I pray God direct you to what may tend to His glory, the honor of his sacred Majesty our King, the safety and prosperity of this Province.

SPECIAL MESSAGES.

October 20. Appointing from the Council members of a conference committee to consider the address from the magistrates of Albany, referred to in the Governor's opening speech.

October 21. Communicating to the Assembly intelligence relative to a skirmish between a "party of our Indians" and a party of French, consisting of twenty-one men, who had lately come from Canada with a design to destroy Kinderhook, and in which the French were defeated.

October 26. Transmitting certain letters from New England (the contents of which are not given), and also the journal of the Governor's recent visit to Albany to confer with the Indians.

October 28. Expressing the opinion that an additional one hundred men would be sufficient for the defence of Albany during the coming winter. (See note 2.)

October 30. Appointing from the Council members of a committee to prepare an address to the King, congratu-

lating him on his "happy deliverance from the late wicked assassination." This address was signed on the 3d of November.

November 2. Informing the Assembly of his intention to go to Albany to take personal charge of affairs there for the winter.

November 3. The Assembly was adjourned to the 25th of March, 1697.

1697. MARCH. FIFTH ASSEMBLY, FIFTH SESSION.

BENJAMIN FLETCHER, Governor.

The Assembly was adjourned to the 25th of March; a quorum appeared on the 29th, at which time the Governor delivered the following

OPENING SPEECH.

MR. SPEAKER AND YOU GENTLEMEN REPRESENTATIVES.—I am very glad to meet you here according to your adjournment the last sessions. I just now heard the members of Westchester county have absented, and hope, Mr. Speaker, the house will do that right to their own honor to inquire into the reason of their absence.

I was called to Albany this winter by a double obligation, my duty to his most sacred Majesty in discharge of that trust he has been graciously pleased to put into my hands, and my affections to his subjects of that city, who by address desired my presence with them.

And indeed the intelligence of a design on that place by the French and their Indians (being flushed with their success on Pemaquid in New England the last summer) was a sufficient spur to me.

I therefore resolved to make Albany my winter quarter, looking upon it not only as a barrier to this Province but to other colonies of his Majesty's empire in America.

My passage met with some difficulties by an early winter, being twice drove ashore by the ice, and at last locked up by it, yet I made the journey in twelve days though with some extraordinary expense, being necessitated to travel part of the way by land with a detachment of my own company.

Col. Schuyler, who commands the militia in those parts and speaks the language, was very active in procuring wagons and other assistance, as sleighs, for bringing up field-pieces, small arms, ammunition, etc., which could not be done gratis.

This journey had the effect I expected. Some families who designed to remove, upon the report of my coming staid, by which the garrison was much strengthened.

I observed in all the inhabitants great zeal for his Majesty's service; they were cheerful in the performance of their duty, watchful and vigilant upon those guards committed to their care.

The inhabitants are somewhat straitened by quartering his Majesty's companies, the houses are small, fitted only for the conveniency of their own families. If barracks were built (which would be no great charge) the inhabitants would be eased, soldiers better accommodated, desertion easier prevented, and the city better fortified.

And as you have hitherto showed great regard for his Majesty's service in taking care as well for recruiting as better subsisting his Majesty's companies, so I hope you will continue in the good mind of easing the inhabitants by accommodating the soldiers.

Your last gratuity to them had that influence that not one man has deserted since.

I desire you will appoint some of your house to look into those payments, by which you will see that so much money

as could be got upon the credit of that act has been applied as it directs.

Those recruits from Connecticut came very seasonably; they had their levy money, and those two officers that conducted them were paid one pound for each man as a reward for their pains and care, which I hope gave them all satisfaction.

The winter seems the most proper season for the French to make an attack upon Albany, all rivers, lakes and marshes being so hard by the frost that cannon may be drawn, etc. Yet in summer those parts suffer most by sculking parties of French and Indians, so that I must recommend to you the care of recruiting his Majesty's companies at May next (when the term of those enlisted by your act determines), otherwise it will be impossible to cover the out plantations; those farmers will remove and leave the country waste, the consequence of that will be the desolation of the city, which must then become a garrison.

The Five Nations of Indians can have no relief there, their friends being gone, which they must justly conclude to be the fear of the French, and those Indians will then purchase their safety and conveniency by joining to our enemies of Canada.

The care you have taken for payment of a party to advance upon the enemy's borders, and lodge there for some time to discover their motion, is of great use.[1] I hope you will continue that allowance, and also consider the advantage we found last summer by the payment of six pounds to any Christian or Indian for every head they bring in of those sculking murderers who spare neither women nor children. By that encouragement we had some of them cut off in September last; those gentlemen you have intrusted in the payment of the advance parties are

[1] An act, chap. 63, was passed on the 20th of April, making further provision for the defence of the frontier.

without doubt the best qualified for this, being resident in Albany they should have a fund or credit to pay for every head brought in.

The punctual payment for last summer's service will spur many young men to be adventurers, both Christians and Indians. They will hunt hard upon this encouragement. I desire you will continue life in so honest a design for the preservation of his Majesty's subjects in those parts.

I cannot be unconcerned at the hardship this Province lies under above others (by reason of this war); you have agents now attending his Majesty, he is our gracious King, father of his people, he will hear.

A true and plain account of our circumstances will be represented, and relief obtained from his Majesty's pious care of all his subjects.

You have seen the memorial given in to their Excellencies, the Lords Justices. I have since received letters and another paper given in by those gentlemen to the Right Honorable the Commissioners for Trade and Plantations. I shall communicate them to your house.

I know those gentlemen employed from the Province are faithful and diligent; I will not question their success if we are not wanting to ourselves; they are at an extraordinary charge, one of them is out of the road of that business which is his support; his fortune and his family both suffer by his absence. He was appointed by yourselves. You will consider what is proper to be done for the carrying on so good a work which is so well begun, and when finished will lighten our present burden and secure us from the attempts of our enemies.

Gentlemen, I pray God direct you.

SPECIAL MESSAGES.

March 30. Transmitting letters from Mr. Nicolls and Mr. Brooke, and also two memorials presented by them to the Lords Justices of England relative to the state of the Province.

April 2. Transmitting a letter from Deputy Governor Treat of Boston, 1684, "desiring the inhabitants of Rye and Bedford to be obedient under the government of this Province."

April 12. Urging liberal appropriations for the defence of the frontier.

April 13. Referring again to the subject of appropriations, and also transmitting a copy of a letter from the sheriff of Westchester "concerning the defection of the towns of Rye and Bedford."

April 14. Announcing a conference committee on a bill appropriating fifteen hundred pounds for frontier defence.

April 17. Reluctantly approving a bill for frontier defence, but expressing doubt as to the sufficiency of the appropriation.

April 21. Informing the Assembly that he had directed the preparation of a statement showing the arrears of taxes under former acts.

April 22. The laws enacted at this session were published in the usual manner. The Governor made the following observations on the work of the session:

"There has been a great deal of time spent in needless debates, the money which you first gave would have answered all that I did propose, and what is done might have been finished in a day or two; it is now near a month. I am glad you are come to a conclusion at last, and that those gentlemen, Col. Cortlandt and Col. Bayard, have given you satisfaction as to the accounts and vouchers; it is no good sign of an honest man to believe all others to be knaves and distrust everybody."

Concluding his remarks, the Governor suggested that if he were to act upon the recommendation of some members of the Assembly he would adjourn that body for a "twelvemonth," but the agent who had been appointed to solicit royal aid for the defence of the frontier might need further appropriations, and therefore an earlier meeting of the Assembly might be desirable. If, however, there should be no occasion for a meeting in the autumn, he would adjourn or prorogue the Assembly to the "spring of the year." The Assembly was thereupon adjourned to the 21st of September, 1697.

There is no record of any meeting of the Assembly in September. Probably no legislative action was necessary in relation to the agent of the Province in London, and there seems to have been no other occasion for a meeting of the Assembly. On the 21st of October the Governor prorogued the Assembly to the 25th of March, 1698.

1698. MAY. SIXTH ASSEMBLY, FIRST SESSION.

EARL OF BELLOMONT, Governor.

The fifth Assembly had been prorogued by Governor Fletcher on the 21st of October, 1697, to the 25th of March, 1698, but it did not meet on that day, and never met again.

Soon after the adjournment of the Assembly in the spring of 1697, Richard Coote, Earl of Bellomont, was appointed Governor of the Province. His commission bears date June 18, 1697, and the usual instructions were issued to him on the 31st of August following. This appointment was soon known in the Province, though Governor Bellomont did not arrive in New York until the following spring. The Council minutes during the fall and winter frequently refer to his expected arrival, and the coming change of administration was doubtless one of

the reasons which led to the prorogation of the Assembly to March, 1698. This prorogation was not renewed. Governor Bellomont arrived in New York on the 2d of April, 1698, took the oaths, published his commission, received the seals, and assumed the duties of his office. On the same day the Assembly was dissolved, and writs of election were ordered to be prepared for a new Assembly. On the 5th the writs were made returnable the 18th of May.

On the 19th the Assembly was organized, and the Governor, in the presence of both Houses, delivered the following

OPENING SPEECH.

GENTLEMEN.— My voyage hither from England was very tedious and attended with great hardships, but since my being among you I have endeavored to redeem that loss of time by applying myself diligently to the public business in duty to his Majesty, and that I might be the better enabled to serve you.

I cannot but observe to you what a legacy my predecessor has left me, and what difficulties to struggle with a divided people, an empty treasury, a few miserable, naked, half starved soldiers, not half the number the King allowed pay for, the fortifications and even the Governor's house very much out of repair, and, in a word, Gentlemen, the whole government out of frame; to you therefore I recommend the consideration of these disorders as best becoming your prudence to apply the proper remedies, and you may be sure of my hearty concurrence in everything that will conduce to the extinguishing those heats and animosities among you, which I fear have been of late years industriously cherished and fomented, and to the curing all the other disorders and mischiefs among you.

It has been represented to the government in England that this Province hath been a noted receptacle of Pirates, and the trade of it under no restriction, but the acts of

trade violated by the neglect and connivance of those whose duty it was to have prevented it. I hope, Gentlemen, you will put all the discountenance imaginable on that flagitious crime of piracy, which is not only the worst sort of robbery, but is for the most part attended with the horrid sin of murder, which is a great aggravation of that odious practice, detested by all the civil nations of the world. It is not only injurious to the honor of his Majesty and the English nation, but also highly prejudicial to the trade of England, and particularly to the East India Company, and the Gentlemen of the Council here present will bear me witness that my orders from his Majesty are very strict for inquiring into and effectually preventing for the future that lawless and vile trade of piracy within my government.

As I have declared myself against piracy and all unlawful trade, so I must assure you I will give you all the encouragement I can possible in carrying on a lawful trade and everything else that will make you happy and flourishing.

MR. SPEAKER, AND YOU, GENTLEMEN, REPRESENTATIVES.— I hope you will take into your consideration that the revenue is near expiring, and that you will provide for the support of the government for the time to come, and therein give me leave to put you in mind that your duty and respect to his Majesty should be an argument to you not to leave the government destitute. It would be hard if I that come among you with an honest mind and a resolution to be just to your interest, should meet with greater difficulties in the discharging of his Majesty's service than those that have gone before me. I will take care there shall be no misapplication of the public money; I will pocket none of it myself, nor shall there be any embezzlement by others, but exact account shall be given you when and as often as you shall require.

I have ordered all the accounts to be laid before you that you may see the state of the debts of the government and take such course for the discharge of them as you shall

think fit. I wish too you would consider how to restore credit to the government, which I understand is now very low, if not wholly lost.

I have ordered the engineer to go and visit the frontiers and to report to me the state and condition he finds the fortifications in; which report I intend for you as soon as it comes to my hands.

Gentlemen.— I must remind you of the necessity there is of finding out some expedient to reconcile the parties among you. I must own to you I set my heart so much on it that I shall think it the glory of my government to bring so good a work to pass. I desire, therefore, you will think of the proper methods to effect an entire reconciliation among you; to be of one faith and one mind is not only an excellent scripture rule, but also a good maxim in government. Union amongst a people is the bond of peace and of strength too.

You cannot but know what abuses have been formerly in elections of members to serve in the Assembly, which tends much to the subversion of your liberties. I do therefore recommend to you the making a law to provide against it, and that you will think of such other law as you will stand in need of to secure to this Province a lasting happiness, to which I promise you my concurrence.

I shall conclude, Gentlemen, with recommending that which is chiefly incumbent upon us all; an inviolable duty and allegiance to his Majesty, who by his valour has rescued us from the two greatest plagues that ever infested the world — popery and slavery; and by that and his wise and temperate government has secured us the free exercise of our holy protestant religion, the enjoyment of our liberties and estates, and as a further instance and illustration of the glory of his reign, his Majesty has with repeated hazards of his precious life, procured for us and all Christendom a glorious peace; for which, Gentlemen, let us address his Majesty that he will be graciously pleased to accept of the tender of our most humble duty and thanks.

SPECIAL MESSAGES.

May 23. Appointing from the Council members of a conference committee on an address to the Crown, which was also to include James Graham, the Attorney-General. The address was signed on the first of June.

June 8. Recommending the following legislation: continuing the judicature act; modifying the statute relating to inferior courts by reducing the number of justices; explaining clauses in the act of the revenue relating to the excise and suppressing unlicensed tippling houses.

June 10. It seems that differences arose among members of the Assembly, resulting in the withdrawal of six representatives, who presented a petition to the Governor and Council, but the legislative records do not contain a copy of the petition, nor the reasons for the withdrawal. The Governor required the attendance of the Assembly at the fort, and the two Houses being in joint session the petition was read and the Governor thereupon said he could not "meddle in that matter, the House alone being the sole judges of any difference arising amongst themselves," but "that being very tender in touching the privileges of the house, he did recommend it to them, and the said six members" to "accommodate matters speedily, that they may go on unanimously in the service of the King and the public."

June 14. The Assembly was dissolved, the Governor, assigning his reasons that the Assembly had sat a whole month without interruption and had done nothing either for the service of the King or the good of the country, except the address to his Majesty. "I am sorry your carriage," he said, "since hath been so contrary thereto that it is absolutely necessary for the King's service and the safety and peace of the government that you should be dissolved. Your proceedings have been so unwarrantable,

wholly tending to strife and division, and indeed disloyal to his Majesty and his laws and destructive to the rights and liberties of the people, that I do think fit to dissolve this present Assembly, and it is dissolved accordingly."

No laws were passed by this Assembly.

1699. MARCH. SEVENTH ASSEMBLY, FIRST SESSION.

EARL OF BELLOMONT, Governor.

This Assembly was called to meet on the second of March, but a quorum was not present until the 21st. On that day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— There had been no occasion for calling you at this time, if the last Assembly had answered the good ends I proposed to myself for the King's service and that of the Province. But having sat a whole month and done no business, I thought it advisable to dissolve them; and the rather, because there were great heats and divisions among them, which I found impracticable for me to compose and put an end to.

You need not be told to what a degree faction and sedition have taken root in this Town; it is a thing so generally known. And there has been the utmost industry used by some ill men to spread the infection all over the Province, and to alienate the affections of the people by false suggestions and notions of their independence from the crown of England, and that it is a violence and wrong done them that England should put a limitation on their trade. How extravagant and wild is this notion. Does not England put a restriction on its own trade in some cases? And as for piracy, which some people are so fond of here, it

is held in such abomination as not to be known or practised there. People must not be so deceived; this Province is subject to the Crown of England, and it is its greatest glory and happiness that it is so, for by that means the people are entitled to the protection of the Crown, and are under the best constitution of laws, and that in fellowship with the best and bravest people in the world, the people of England; and they must be obedient to English laws; it is their duty and interest so to be. And the angry men of New York must not expect from me that connivance at their ill practices that they were accustomed to some years before my coming to the government: the oath of a Governor, the laws of England and the King's instructions, which are made to square with the laws, are sacred ties and obligations with me.

I have observed great marks of irreligion and immorality in this place, and I take it to proceed from a long habit of breaking the laws, which has introduced licentious and dissolute living. And nothing can rectify and reform our lives and manners but religion. Religion is of that admirable frame and temper, it inflames us with a true devotion to our great Maker, which is our most reasonable service. Then it fits us for all the ends of civil society, by uniting our minds, affections and interests, it makes us good men; and good men will of course be good friends, good neighbors, good subjects, and good patriots, that is, lovers of their country and obedient to its laws.

Now that I have stated to you the unhappy circumstances that we are in by the contrivance of ill men, I shall proceed to recommend to your thoughts a few things which are necessary for the support and peace of the government, and will be a manifestation of your duty and affection to the King.

I therefore propose to you, Gentlemen of the house of Representatives, the continuance of the present revenue (which will otherwise shortly expire) for what number of

years you shall think fit.[1] I found the government very considerably indebted when I came to it, and it can not be expected that debt should be much lessened in so short a time as I have been here. I could wish you would put the government on a clear foot by finding a way to discharge that debt.[2]

The public accounts I have ordered to be prepared for you, with an estimate of the debts of the government. I promise you I will be as good a husband of your money as it is possible for me to be; and when it is either misapplied or mismanaged by my means, I shall not take it amiss if you put me in mind of my want of care therein. To induce you to the continuance of the revenue to the crown, I cannot set before your eyes a better example than that of the great and glorious people of England, who out of the sense of the inestimable advantages they were restored to by the King, freely and without the least murmuring supported him in a long and expensive war, well knowing he bravely fought for the liberties of all the Christian world, and that they had as great a share as any others in that quarrel; wherein also his Majesty often ventured his royal person with the meanest soldier in his armies. Beside, the King considering this Province as a barrier between the French of Canada and his other plantations, and therefore most exposed, was pleased to take a peculiar care of you, having been at great expense this last war, in paying for four hundred men and maintaining a man of war for your defence and constantly supplying you with stores of war. These are such obligations as I hope you will not only remember in the manner I have now recommended, but also with your earnest prayers to God for his Majesty's long life and prosperous reign over you.

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[1] A revenue law, chap. 81, was passed on the 15th of May, which was to continue in force six years.

[2] Payment of public debts was provided for by an act, chap. 73, passed May 16.

The next thing I recommend to you, is the reconciling of people and parties, which will be a glorious work, and will, I doubt not, be easily accomplished by your prudent care. You all know the mischiefs, both public and private, that feuds and divisions bring on a people or nation. They cause an interruption in trade by discord they make in private families and friendships; and next to a civil war, it is the most unhappy state and condition a country can be in. I will heartily join with you in such methods as shall be thought advisable for the procurement of a thorough reconciliation of parties. And that you may induce others to be peaceably and charitably minded, I earnestly recommend to you, Gentlemen Representatives, that you manage your debates and proceedings in your house with that calmness and moderation that becomes the prudence of men that are under such a trust from their country. The present conjuncture requires it at your hands; the King will thank you, the world will applaud you for it, and God will bless and prosper you and your affairs.

I must acquaint you with the circumstances of our five Nations of Indians, with whom I had a conference this last summer at Albany, and then fixed their friendship and fidelity to the crown by extraordinary presents and kind usage; and they parted with me in all the good humor imaginable. But I am lately advised they are grown very uneasy and dissatisfied at the French Governor of Canada's detaining some of their friends' prisoners, notwithstanding the late treaty of peace, which is a very unfair practice in that Governor. You shall have all the memorials and proceedings with our Indians laid before you, that you may advise me what measures to take for preserving them firm to the interest of the crown and this Province, which is a thing of very great consequence, and deserves as much as anything whatsoever to be the subject of your thoughts and determination.

I am ordered by the King's instructions to prepare and offer you two or three bills for your passing, which will be

for the service of the province. And such other bills as you shall judge proper to offer me for securing your liberties, and advancing your trade, I promise you my assent to their passing into laws, provided they be not repugnant to the laws and interest of England.

SPECIAL MESSAGES.

March 23. Informing the Assembly that to prevent smuggling at Oyster Bay and other points in the vicinity, he had appointed John Townsend "surveyor and searcher" of customs there. That Townsend had reported to the Governor that he had "met with such discouragement, by the abuses and menaces of the inhabitants of the said Oyster Bay," that he dared not execute the office, and therefore desired to be discharged from the same, and had surrendered his commission. The subject was submitted to the legislature for its consideration, with a suggestion that some course be taken "to prevent unlawful importations and exportations there, and in all other places in this Province."

March 31. Thanking the Assembly for its address acknowledging his services in preserving the friendship of the Indians.

April 5. Transmitting letters and papers relating to the Five Nations of Indians, and recommending that the Assembly immediately consider the matter, "as likewise the whole business of the Indians." A conference committee was appointed on Indian affairs.

April 11. Suggesting the erection of a "handsome well contrived townhouse, wherein the Governor, Council and Assembly may hold their sessions, and also their inferior courts of justice, and where the mayor of New York may keep or hold his courts;" also a good and sufficient jail in the city of New York.[3]

[3] An act, chap. 82, passed on the 16th of May, authorized the city of New York to erect a city hall and other public buildings.

April 11. Recommending a law "for the regular and fair choosing" of members of Assembly, which it was believed would be "very useful and will prevent disputes and quarrels which formerly often happened at elections."[4]

April 13. Notifying the Assembly that he had added a clause to the instructions to the commissioners appointed to carry a message to the Indians to the effect that "if the French or French Indians made any insult upon them, they would do well to resist, force by force."

April 28. Requesting a conference on the revenue bill, and suggesting the withdrawal of the proposed table of fees for the reason that authority to establish fees had, by the Governor's commission, been vested in the Governor and Council.

May 1. Recommending that provision be made for paying the public debt. (See note 2.)

May 4. Recommending legislation, if deemed expedient, to relieve the owner of the ship, The Fortune, from the consequences of a judgment in admiralty condemning it "for trading hereunto being foreign built."

May 11. Transmitting a schedule of official fees.

May 13. Recommending action relative to the claim presented by Robert Livingston.

May 15. Informing the Assembly that his Majesty had appointed James Graham, Speaker of the Assembly, a member of the Council, and requesting the Assembly to elect another Speaker. Abraham Gouverneur was then chosen to succeed Mr. Graham as Speaker.

May 16. The session closed with the following speech from the Governor, after which the Assembly was prorogued to the 20th of September:

"I thank you for the testimony you have given of your duty and good affection to the King in continuing the revenue, and for all the other public laws that have passed this session.

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[4] A law passed on the 16th of May, chap. 74, regulated elections of members of Assembly.

I also thank you for the kindness and respect you have showed myself on all occasions; I am only troubled that the length of the session has been such as will occasion an increase of charge to the country, but you can all bear me witness the fault of it is not imputable to me, for I have done all that became me to dispatch business as it came before me.

I could wish you had thought of a bill to reconcile parties. It is what I expected from you, and since you have omitted it, I earnestly recommend to you, that you will now at your going home into your respective countries, put all lawful means in practice to preserve the King's peace, and not only so, but that you also use the most effectual means to persuade your neighbors to peace and entire reconciliation with one another, which is a duty they owe to God, and will be pleasing to the King, who as a true father of his people, loves their prosperity and happiness, which consists chiefly in a perfect good understanding and union among themselves."

1700. JULY. SEVENTH ASSEMBLY, SECOND SESSION.

EARL OF BELLOMONT, Governor.

At the close of the last session, the Assembly was prorogued to the 20th of September, 1699. It did not meet on that day, but was continued by several prorogations to the 25th of July, 1700. There was no quorum until the 29th, and on that day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—I thought a sessions of the General Assembly absolutely necessary at this time, that you might advise such measures as will best secure the Five Nations of Indians in their obedience to the Crown, which all of you know is of the last consequence to this and all the rest of the English plantations in America. Our neighbors of Canada know

the value of the Five Nations to us, and therefore with indefatigable pains are every day seducing them from us by their Jesuits; and it is said that such of them as will not be seduced are many of them taken off by poison.

The proper remedies against these growing mischiefs the Indians themselves have chalked out to us. They have often pressed me with great instance that they may have Protestant ministers to instruct them in the Christian religion, and a fort to cover them from the incursions of the French and their Indians.[1] I hope there will be a way found out to furnish them with ministers from England, but for a fort, that belongs to you to provide. I am always very tender of engaging you in things of expense, but the building a fort to secure the Indians and satisfy them, is such an expense as I believe every man of you will think indispensably necessary, and that it should be built also out of hand that the Indians may be encouraged by seeing there is care taken for their protection.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.—I hope there needs no other argument than that I have now offered to quicken you to the giving such a supply as may build a fort in the most convenient part of the country for defence of the Five Nations. You need not be told how much the honor and interest of the Crown, and your own private interest are engaged in the right management and preservation of those Indians, and you cannot give the King a better testimony of your duty and affection to his Majesty's

[1] A fort was provided for by an act, chap. 86, passed August 9, 1700, appropriating one thousand pounds for this purpose. The act imposed duties on certain imports and exports, some of which were new. The Council while approving the bill, expresssed the opinion that the manner of raising the money would be "pernicious to the trade of this Province, and destructive to his Majesty's established revenue within the same, especially of such branches thereof as this new additional duty is charged on." The Governor concurred in the Council's opinion as to the effect of the bill on the trade of the Province, and said the Assembly had "in a strange manner demonstrated their loyalty and affection to his Majesty," but that under the circumstances he thought it fit to pass the bill.

person and government than by a cheerful compliance with what has been now proposed to you. I would offer to you the passing some necessary laws, but that I consider it is harvest time, and I will give as short an interruption to your country affairs as I can, besides, I have appointed a meeting and conference with the sachems of the Five Nations next week at Albany which I intend accordingly to perform.

SPECIAL MESSAGES.

July 31. Informing the Assembly of the appointment from the Council of members of a conference committee on that part of the Governor's speech "relating to building a fort for securing the Five Nations of Indians."

August 2. Governor Bellomont in his speech at the opening of the session had recommended that a fort be built at some convenient place for the defence and protection of the Five Nations of Indians. It seems that the Assembly doubted the necessity of such a fort, assigning as reasons "the remoteness of the place where they suppose it may be designed, the great difficulty of sending men and other materials necessary for such a work, and that both the charge of building of it, garnishing of it, and victualling of it will be very great. That it will be near the lake [Ontario], from whence the French of Canada may come by water, and that if such a fort in time of war should by treachery or surprise be possessed by the French, it would be of very ill consequence to this Province." The Assembly requested information as to what kind of "fortification is designed, of what materials it is to be made, how it is to be garrisoned and maintained," and the probable expense of its construction.

For the purpose of considering this matter the Assembly met with the Council, and thereupon the Governor presented his views concerning the proposed fort, saying among other things:

"The necessity of building a fort for defence of the Indians is plain from the repeated pressing instances of the Five Nations expressed in all the messages they have sent to the Earl of Bellomont, ever since his being in the possession of the Government of this Province. The giving them therefore the satisfaction of complying with their desire (in the staggering condition they seem at present) may well pass for an argument of necessity, since if we do not humor them so as to retrieve their affection, the French will infallibly take advantage of our supineness, and will so caress them as in a very short time to debauch them entirely from us. Besides, let not the difficulty of building a fort frighten us; the French have taught us the way; their fort at Cadaracque is as remote from Canada as this intended fort can be from Albany, yet that distance did not deter them from building the said fort, nor has it discouraged them from furnishing the garrison with all sorts of provisions. Lastly there is another consideration which makes it necessary to erect a fort immediately as much in the center of the Five Nations as may be, for the settlement of a good minister or two in the said fort, to instruct the Indians, which can never be otherwise expected can be complied with, for no minister or ministers will venture to go and live among the Indians out of a fort and English garrison, to the apparent and certain hazard of their lives, especially now their poisoning is become so common a way of taking away the lives of men."

As to the proper place for such a fort, the Governor said it would be the work of the King's engineer,

"but it is supposed it will be most properly built somewhere in the Onondaga's country, not only because they are in the center of the Five Nations, but also because a fort built on their land will best confront the French fort of Cadaracque as being contiguous thereunto, and therefore most capable of offence and defence. And in this point also it will be proper to consult the sachems of the Five Nations, and know of them what part of the country will be agreeable to them for the building a fort, which the said Earl will do at the conference he is to have with them this next week at Albany. It is intended the said fort shall be made of sod work well ditched and palisaded."

The Governor thought the expense would not exceed fifteen hundred pounds. It was proposed to garrison the fort with "one hundred men under command of a captain who is to have two lieutenants under him, the said garrison to be duly paid and subsisted at the King's charge, and the said fort gunned with twenty-four great guns six pounders." The fort was to be constructed under the supervision of the Assembly. The Governor thought it would not be practicable to try to secure aid for the enterprise from neighboring colonies. (See note 1.)

August 9. Several bills were approved and the Assembly was prorogued to the 1st of October.

1700. OCTOBER. SEVENTH ASSEMBLY, THIRD SESSION.

EARL OF BELLOMONT, Governor.

No quorum appeared until the 11th. No formal speech was delivered, but several recommendations were made concerning proposed legislation, which were expressed more fully in a communication sent to the Assembly on the 12th. These included recommendations for an appropriation of fifteen hundred pounds for a fort in the Onondaga country;[1] to investigate the public accounts during the last twelve years;[2] and requiring Albany to build a town house and jail.

The Council journal also contains the following under date of the 11th:

"The house of representatives being present his Excellency recommended unto them the repealing the act passed

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[1] The original act providing for a fort in the Indian country was repealed on the 2d of November, chap. 91. The new act provided for completing the fort, and appropriated one thousand pounds for that purpose, in addition to five hundred pounds which had been raised under the first act.

[2] An act, chap. 90a, was passed on the 2d of November appointing commissioners to ascertain and state the public accounts of the Province.

the last session of the Assembly entitled 'an act for the better securing the five nations of Indians in their fidelity to his Majesty,' which will not answer the end intended, and hath been generally declared by the merchants of this province to be pernicious to the trade thereof, and a diminution of the revenue within the same, and advised them to pass a law for the raising the sum therein mentioned, for the use intended, and told the mthat whatsoever else he had to recommend to them should be sent to them in writing."

SPECIAL MESSAGES.

November 2. Several bills were approved, but some others relating to property and the courts were laid aside. The Governor said he had received notice of the appointment of a Chief Justice and an Attorney-General of the Province, "men of study, knowledge and experience in the law, who are now daily expected, by whose advice and assistance he hopes measures will be taken that every person's property may be effectually secured to him, and that the courts of judicature will be established for the ease and benefit of the subject inhabitants here." The Assembly was then prorogued to the first Wednesday of April.

1701. APRIL. SEVENTH ASSEMBLY, FOURTH SESSION.

INTERREGNUM.

At the close of the last session the Assembly was prorogued to the first Wednesday (the second) of April, 1701. Governor Bellomont died on the 5th of March. John Nanfan, the Lieutenant-Governor, was then absent from the Province. The Council was then composed of seven members, three of whom, including William Smith, the eldest councilor, were then out of the city. The other four members met within an hour after the Governor's death, and having examined his commission assumed executive con-

trol of affairs. Their authority to act was based on the clause in the Governor's commission, which, after devolving the succession on the Lieutenant-Governor in case of the death or absence of the Governor, provided that "if upon such death or absence there be no person upon the place commissionated or appointed by us to be our lieutenant governor or commander in chief, our will and pleasure is, that the then present council of our said Province, do take upon them the administration of the government, and execute this commission and the several powers and authorities herein contained, relating to our said Province, and that the first councilor who shall be at the time of your death or absence residing within the same do preside in our said Council with such power and preheminences as any former president hath used and enjoyed within our said Province, or any other our plantations in America until our pleasure be further known, or your return as aforesaid."

The four members of the Council who attended this meeting, being a majority of the whole number, chose Abraham De Peyster, the eldest councilor present, to preside. A communication was sent to the absent members requesting their immediate return to New York, and a proclamation was issued announcing the death of the Governor and confirming all officers, civil and military.

At a meeting of the Council on the 13th Mr. Smith was present and claimed that the executive authority was vested in himself alone as President of the Council. Councilors Schuyler and Livingston were still absent. It was resolved by those present, Mr. Smith dissenting, that the executive powers of the government had become vested in the Council, exclusive of any single member, and it was further resolved that the eldest councilor present was entitled to preside, but that all official documents be signed by a majority of the Council.

On the 15th of March the Council issued a proclamation convoking the Assembly on the first Wednesday in April,

according to the prorogation by the late Governor Bellomont. The Assembly met on the second as required by the prorogation and by the proclamation of the Council. On the 4th the Assembly considered the question whether, by reason of the Governor's death and the absence of the Lieutenant-Governor, the proclamation by the Council convoking the Assembly confirmed the right to sit according to the tenor of the writs under which the Assembly had been chosen, and determined that it had such right.

On the 15th of April the Assembly adopted a resolution "to inquire in whom the administration of the government" was vested by reason of the Governor's death and the Lieutenant-Governor's absence, and on the 16th declared by resolution that "the administration of the government of this Province, and the execution of his Majesty's commission, granted to the late Earl of Bellomont, for the government of this Province, is by the death of the said Earl, and the absence of the Lieutenant Governor, invested in his Majesty's Council of this Province, in which the eldest councilor residing in the said Province, is to preside with the power and pre-eminences thereto belonging; but that the administration of said government and the execution of said commission, is not vested in the eldest councilor, nor any other single member of the Council." This view of the powers of the Council was sustained by the home government as appears from a communication from the Lords of Trade to Lieutenant-Governor Nanfan, dated the 20th of August, 1701, in which it is said that Governor Bellomont's commission did not confer any distinct powers on the president separate from the rest of the Council.

No legislation was enacted at this session, but the Council recommended to the Assembly that measures be adopted for the early completion of the fort in the Indian country; that commissioners be appointed to meet the Indian sachems on their expected visit to Albany; that provision

be made for continuing the service of the King's troops in the Province; that steps be taken to prevent further desertions from the garrison in New York; that the forts at Albany and Schenectady be immediately repaired,[1] and that provision be made to complete an agreement made by Governor Bellomont to purchase masts and other timber for the King's navy.

April 19th the Council replying to an address by the Assembly suggested that the Assembly adjourn to the first Tuesday of June. The Assembly thereupon adjourned to the first Tuesday of June, but on the 1st of June Lieutenant-Governor Nanfan, who had returned to the Province, dissolved the Assembly by a proclamation, which recited that "warm debates" had arisen, and some misunderstandings have happened "about the right of administration of government, and particularly in the house of representatives, concerning the legality of their sitting since the late Earl of Bellomont's decease," wherefore it was deemed desirable to put an end to all differences and misunderstandings by a dissolution of the Assembly.

1701. AUGUST. EIGHTH ASSEMBLY, FIRST SESSION.

JOHN NANFAN, Lieutenant-Governor.

On the 1st of July, 1697, John Nanfan was appointed Lieutenant-Governor of New York under the Earl of Bellomont, who had been appointed Governor on the 18th of June. The Lieutenant-Governor's commission devolved on him the powers of the government in case of the death or absence of the Governor. When Governor Bellomont died on the 5th of March, 1701, Lieutenant-Governor Nanfan was absent at Barbadoes on private business. He returned

[1] An act for repairing the forts at Albany and Schenectady, was passed October 18, 1701, chap. 104.

to New York May 19, and assumed the powers and duties of the office of Governor, which he continued to exercise until the accession of Lord Cornbury, May 3, 1702.

It seems that the controversy over the powers of the Council after Governor Bellomont's death produced a change in the rule as to the gubernatorial succession. Beginning with the commission to Governor Lovelace in 1708, the succession was expressly devolved on the eldest councilor if the Governor and Lieutenant-Governor were both incapacitated, and this rule continued through the remainder of the colonial period.

The eighth Assembly met on the 19th of August, 1701, at which time Lieutenant-Governor Nanfan, in the presence of both houses, delivered the following

OPENING SPEECH.

GENTLEMEN.—As I am empowered by his Majesty, by the consent of the Council and you the representatives, to provide for the public peace, welfare and good government, and for the benefit of his Majesty, his heirs and successors, for these ends have I now called you together, to which I am and shall be ready to contribute all that lies in my power, and hope I shall meet with the like disposition in you.

I cannot but take it as a presage of the future success of my endeavors for the good of this Province, that at this time, when the danger of war makes it requisite to be well assured of the fidelity of our Five Nations of Indians, they have not only repeated their assurances in such a manner as has been sacred among them, but conveyed to the Crown of England a vast tract of land of great consequence for preventing their necessity of submitting to the neighboring power.[a]

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[a] According to the treaty the tract was 800 miles long and 400 miles wide. Col. Doc. Vol. 4, p. 888.

His Majesty, who is a most indulgent father to his people, has manifested a particular care over you; besides the constant charge of the additional forces, he has out of his own exchequer supplied two thousand five hundred pounds sterling for forts and eight hundred pounds in seasonable gifts to the Indians, and for the better administration of justice among you has settled three hundred pounds a year upon a Chief Justice and one hundred and fifty upon an Attorney-General; all which are of that importance to you that so much money may well be thought spared out of your purses.

I persuade myself I need not press this as a motive for your continuing the act entitled "An act for raising an additional duty for the defraying the debts of the government," which expired in May last, and it may deserve your consideration whether the last act for granting his Majesty several duties for defraying the public charge of the government wants not some amendments to make it more effectual.[1] You cannot but know that your own interests and preservation are nearly concerned in the support of the government.

This I hope may prevail with you to lay aside all heats and animosities and to proceed unanimously to those things that may tend to the security and happiness of this Province.

I should think that every man should be sensible that unity and unanimity is at this time more necessary than it has ever been since your being under the protection of the Crown of England.

As I can answer for the sincerity of my own intentions, I doubt not but you will find a concurrence in the Council, and I hope we shall every one strive who shall excel in zeal for the good of this Province and the service of his Majesty King William, whom God long preserve to reign over us.

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1 October 18th, a revenue act was passed, chap. 100, which was to continue in force two years.

SPECIAL MESSAGES.

August 27. Recommending an immediate examination of the accounts of Stephen Cortlandt, "late one of the commissioners for managing the office of collector and receiver general;" that the Assembly order the presentation of a report by the commissioners appointed under the act of 1700, providing for an examination of State accounts;[2] and that the Assembly consider measures for the defence of the Province.

September 16. Thanking the Assembly for a complimentary address.

October 7. Transmitting a petition by inhabitants of New York "desiring the wharf between the Wall Street and Burger's Path, may be ordained a common and public landing place."

October 18. The Assembly was prorogued to the third Tuesday in March next. On the 2d day of March it was again prorogued to the third Tuesday in April.

1702. APRIL. EIGHTH ASSEMBLY, SECOND SESSION.

JOHN NANFAN, Lieutenant-Governor.

The Assembly met on the 21st of April, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The cheerfulness with which the sound part of you gave the additional revenue, and the moderation which you showed to others, assured me of an happy effect of this meeting.

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2 The Commissioners of Accounts presented a report on the 28th of August, 1701.

Indeed, I had promised myself that the proceedings of your whole body would have been agreeable to that unity and unanimity which I so earnestly recommended to you at the opening of the last sessions, but they who refused to join with you in serving his Majesty and the public have since made it more evident than I could have imagined that nothing less than having the government in their hands could satisfy them, and their chief managers have shown such disaffection to his Majesty and his government as nothing but the execution of the laws can conquer.

If there be any points wherein the law of England cannot yet have its full course here, through the different circumstances of place, I shall be ready to concur with you in proper methods for supplying such defects, and in all other matters which you can reasonably propose for the good of this Province.

I think it my duty to recommend to you the consideration of proper methods for the support of the public credit, that the soldiers may be more certain, and the fortifications put into a good posture of defence, and I doubt not but your loyalty to his Majesty King William will prompt you to show your resentment of the indignity offered his Majesty and the English nation by the French King in pretending to set up an impostor for King of England and those other dominions of which France itself is known to be part,[1] being within his present Majesty's rightful style.

And in humble imitation of the great example of the common father of us, and his numerous happy people, I cannot but press that there be no distinction heard of among us for the future but of those who are for the

[1] April 22d, the Assembly adopted a resolution declaring its resentment against "the indignity offered his Majesty and the English Nation, by the French King, in pretending to set up an impostor for King of England and the dominions thereunto belonging, assuring his Majesty, that this House is, and always will be ready, to the utmost of their power, to defend his Majesty's undoubted right to the imperial crown of England."

Protestant religion, and the present establishment, and of those who mean a popish prince and a French government.

May 3. The Eighth Assembly was dissolved by Governor Cornbury.

1702. OCTOBER. NINTH ASSEMBLY, FIRST SESSION.

LORD CORNBURY, Governor.

Governor Cornbury was first appointed by William III, September 9, 1701. William died March 8, 1702, and was succeeded by Queen Anne, who issued a new commission to Governor Cornbury bearing date December 5, 1702. In both commissions he is described as "Edward Hyde, commonly called Lord Cornbury." He was also, by a separate commission, appointed Governor of New Jersey. He arrived in New York on the 3d of May, 1702, and on the same day dissolved the Assembly. Writs of election were issued for a new Assembly, which met October 20, 1702, at Jamaica. The same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— When I first left England to come into this Province I did resolve at my first arrival to call a General Assembly, hoping to find all things here in so good a posture that I should have had nothing to do but to apply myself, with your assistance, to the putting this country into a posture of defence against the war, which I expected every day would break out. It was an extreme surprise to me to find this Province at my landing in such a convulsion as must unavoidably have occasioned its ruin if it had been suffered to have gone on a little longer.

The many complaints that were brought to me against the persons I found here in power, sufficiently proved against them, and the miserable accounts I had of the condition of

our frontiers, made me think it convenient to delay my meeting of you in General Assembly till I could inform myself in some measure of the condition of this Province, that I might be able to offer to your consideration some few of those things which will be necessary to be done forthwith for the defence of the country.

The first thing which I earnestly recommend to the care of you, Gentlemen of the House of Representatives, is the providing for the defence of the city and port of New York, which seem to me to be much exposed;[1] and likewise for the defence of our frontier,[2] which I have found in a much worse condition than I could have imagined; the soldiers being naked and almost unarmed, and the forts in reality defenceless, so that it will be absolutely necessary in the first place to provide such sums of money as may be necessary for the making some works that will be proper for the defence of the country, and for the raising of 200 men, which I think absolutely necessary to be placed at Albany and Schenectady for the defence of the frontiers this winter. I hope the representations I have sent home will have that good effect that her Majesty will give such directions that the burthens here may be made lighter; however, in this time of exigency, I earnestly recommend to you a dispatch of these things, and you may assure yourselves that whatever sums shall be granted by you shall be applied to those uses only for which they were given, of which you shall have an account at your next meeting.

There are some other things I think it my duty to recommend to you, particularly the preparing a good bill for the better regulating the militia of this Province,[3] another for

[1] An act, chap. 118, passed November 27th, was intended to carry this recommendation into effect, authorizing the raising of taxes in New York for various public purposes, including a military guard.

[2] The act of November 7th, chap. 112, appropriated eighteen hundred pounds for the purpose of maintaining one hundred and fifty fusileers and their officers, and thirty scouts for the defence of the frontier.

[3] A militia law, chap. 114, was passed November 27th.

the erecting of public schools in proper places,[4] another for appointing a convenient number of fit persons to examine and state the public accounts and debts of this Province,[5] that when the debts are known such proper methods may be taken for the payment of them in due time as will best suit the condition of the Province; these and all other bills which shall appear to be necessary to be passed into acts for the good of this country, and for the preservation and encouragement of the people, shall always find a ready compliance from me.

Now, Gentlemen, I have no more to trouble you with but to assure you, in the name of the great Queen of England, my Mistress, that you may safely depend upon all the protection that good and faithful subjects can desire or expect from a sovereign, whose greatest delight is in the welfare of her people; under whose auspicious reign we are sure to enjoy what no nation in the world dares claim but the subjects of England, I mean the free enjoyment of the best religion in the world, the full possession of all lawful liberty, and the undisturbed enjoyment of our freeholds and properties; these are some of those many benefits which I take the inhabitants of this Province to be well entitled to by the laws of England, and I am glad of this opportunity to assure you, that as long as I have the honor to serve the Queen in the government of this Province, those laws shall be put in execution according to the intent with which they were made; that is, for the preservation and protection of the people, and not for their oppression. I heartily rejoice

[4] A grammar free school — the first in the Province — was established in the city of New York by an act, chap. 120, passsed November 27th. According to the preamble the act was asked for by the mayor, aldermen and commonalty of New York. It provided for the appointment of a schoolmaster at an annual salary of fifty pounds. The school was free to all male children of English, Dutch and French parents. The act was to continue in force seven years.

[5] This subject was included in an act, chap. 122, passed November 27th, which created a commission to examine and state the revenues and accounts of the colony.

to see that the free choice of the people has fallen upon gentlemen whose constant fidelity to the Crown, and unwearied application to the good of their country, is so universally known.

SPECIAL MESSAGES.

October 23. Requesting the Assembly to appoint members of a joint committee to prepare an address "congratulating her Majesty [Queen Anne] on her happy accession to the Crown." This address was approved on the 24th.

October 23. Informing the Assembly "of the usage and custom of the Parliament of England, to appoint a chaplain to read prayers to them every morning, before they proceed on business" that day, and desiring the Assembly to do the same. This was agreed to by the Assembly.

October 29. Appointing Edward Cole sergeant-at-arms of the Assembly; recommending a bill to provide for the examination of the debts and revenue of the colony. (See note 5.)

November 12. Recommending the enactment of a law prescribing the property qualifications of jurors.

November 14. Adjourning the Assembly from Jamaica to New York to meet on the following Monday.

November 24. The Assembly was adjourned to the first Tuesday (6th) of April, 1703.

1703. APRIL. NINTH ASSEMBLY, SECOND SESSION.

LORD CORNBURY, Governor.

The Assembly had been adjourned to the 6th of April. On the 13th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I am glad to see so many of you now met together, in pursuance of the adjournment in November

last, and I do not at all doubt but that you came resolved to do whatever shall be found necessary for the advancement of the interest of the great Queen of England, my Mistress, and for the good and welfare of your country, which are both one.

You did in November last grant a considerable sum of money to her Majesty for the paying of such a number of men as was thought necessary to be sent up to Albany for the defence of the frontiers this last winter; which service hath been performed, though I must observe to you that the supplies granted for that purpose have as yet come in but very slowly.

I think it proper to acquaint you that two of the acts passed last November will require your further consideration; the first is, An act for the better settling the militia of this Province; the second, An act for appointing and enabling commissioners to take, state and examine the accounts of the revenue of this colony, and the necessary contingent charge of the government. The first contains an enacting clause which lays a penalty of six pounds upon any persons that shall be detached out of the militia, and shall not appear at the time and place appointed and perform the service required of him, to be applied to the use of him who is a defaulter; this penalty is to be recovered in the Courts of Pleas, which sits so seldom that the offenders conceive great hopes that their offences may be forgotten before the time comes for recovering their forfeitures; therefore, I think it would be convenient that a more speedy method may be provided for recovering the said penalty, which will make men more cautious of offending, and will be a better encouragement to those that ought to reap the benefit of such forfeitures.[1]

In the other act you have appointed gentlemen very capable of executing the trust reposed in them, but for want

[1] June 19th an act was passed, chap. 135, intended to provide for a more thorough enforcement of the militia law of November, 1702.

of a power sufficient to compel people to lay such books and papers before them as are necessary to enable them to lay before you such a report as you may reasonably expect from them, I fear a great part of their labor may prove fruitless, therefore recommend it to you to consider whether it will not be proper by a short bill to vest them with such a power as may enable them to perform the services expected of them.[2]

Gentlemen, I must acquaint you that since your adjournment I have received information that the French intend to attack this place by sea this summer. I think the best way to prevent that design will be to erect two batteries of guns at the Narrows, one on each side, which I believe is the only way to make this port safe. I have ordered an estimate to be made of what that charge may amount to, which shall in a few days be laid before you.[3]

I must likewise recommend it to the care of you, Gentlemen of the House of Representatives, to provide funds for carrying on the fortifications at Albany, and other places on the frontiers, least for want of them the farmers of those parts should desert their habitations, as they have formerly done.

I wish, Gentlemen, you would think of a bill for the better ascertaining and preserving the highways in this colony.[4]

I must again recommend to you the preparing a bill to prevent the distilling of rum, and the burning of oyster shells into lime within this city.[5] I have great reason to believe that both these things did contribute very much to

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2 A supplemental act relative to the examination of accounts of the colony, chap. 136, was passed June 19th.

3 This recommendation was included in an act, chap. 137, passed June 19th, appropriating fifteen hundred pounds for the erection of two batteries, one on each side of the Narrows.

4 A general highway law, chap. 131, was passed June 19th.

5 Both of these subjects were included in an act, chap. 132, passed June 19th. It prohibited the distilling of "rum molasses or other such like liquors," and also the burning of oysters, oyster shells or stone into lime in the city of New York or within half a mile of the City Hall.

the increase of that fatal distemper the city was unhappily visited with last summer.

I do not doubt but several other things will occur to your thoughts which may require the passing of wholesome laws. I am glad of this opportunity to assure you that you shall always find me ready to assent to all such bills as shall be necessary for the promoting and advancing the trade and welfare of this colony.

Gentlemen, it is with a great deal of pleasure that I take this opportunity to acquaint you that the arms of the Queen and her allies have everywhere in Europe been blessed with great success, and particularly at the Port of Vigo in Spain, where her Majesty's fleet and army have destroyed and taken fifteen sail of capital French ships of war, and seventeen Spanish galleons with great riches.

Gentlemen, I have nothing more to recommend now to you but the dispatch of the business before you, that I may be at liberty to attend the service of the Queen in other parts of this Province.

SPECIAL MESSAGES.

May 14. Transmitting papers relating to the late Chief Justice William Atwood, and the charges of misconduct by "persons in the present administration of this government."

May 15. Transmitting a statement of the probable expense of two batteries, one on each side of the Narrows. (See note 3.)

May 24. Requesting the appointment of a committee to prepare an address to her Majesty, congratulating her on the "late glorious success of her Majesty's arms, both by sea and land." This address was approved the 3d of June.

May 26. Requesting the appointment of a committee to prepare an address to the Crown, soliciting its aid in providing for the defence of the Province. This address was approved on the 18th of June.

June 10. Informing the Legislature that several claims against the Province were unpaid because of the failure to collect taxes imposed by several acts.

June 19. The Assembly was adjourned to the second Tuesday in September, and on the 31st of August was again adjourned to the first Tuesday (5th) of October.

1703. OCTOBER. NINTH ASSEMBLY, THIRD SESSION.

LORD CORNBURY, Governor.

The Assembly had been adjourned to the 5th of October. Governor Cornbury was then absent at Albany. The active business of the session did not begin until the 14th, at which time the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I am sorry the season of the year is so far advanced that you cannot have so much time for your deliberations as I could wish, because there are many things that will in due time require your consideration; but at this time I shall only recommend to the consideration of you, Gentlemen of the House of Representatives, the providing a sufficient fund for the paying such a number of men as may be necessary to be sent to Albany, for the defence of the frontiers this winter.[1] The number which I think necessary to be detached for that service is 130 men, with their proper officers, including the out scouts. I should have desired a greater number, but that I consider the condition of the Province at this time; therefore, I am willing to make the charge as little as possible; but I must

[1] October 23d an act, chap. 140, was passed appropriating thirteen hundred pounds for the purpose of maintaining one hundred fusileers and their officers and thirty scouts at Albany and other places for service on the frontiers.

recommend it to your care to provide such a coercion in your bill as may be effectual for the bringing in the money by the time you shall think fit to appoint, else I am afraid people will be as backward in their payments as they have been in the eighteen hundred pounds tax, which is not yet all paid, though the time appointed was the 25th day of March last.

If anything occurs to your thoughts for the good of this colony, which may require the assistance of an act of Assembly at this time, you shall always find me ready to concur with you in all such things as may be for the real good of the country.

I must now acquaint you, Gentlemen, that the great Queen of England, my Mistress, has been pleased to ease this Province of a burthen, which by custom has long lain upon it, I mean that of presents to the Governors or Commanders-in-Chief of this colony. Her Majesty has been graciously pleased to confirm that act by which the last fall you were so kind as to give to me a very great present, but at the same time her Majesty has commanded me to acquaint you that she has given the necessary orders for preventing any Governor, Lieutenant-Governor, or Commander-in-Chief, from receiving any presents for the future; that order I have here in my hand, and, pursuant to the Queen's commands, I have caused it to be entered in the Council book,[2] and I desire you, Mr. Speaker, to take care that it be entered at large in the journals of your House.

I have nothing more to offer to you at this time, only to desire you to give all possible dispatch to the matters before you, for I am obliged upon the Queen's service to be at Amboy at the very beginning of the next month.

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2 This order is given at length in the journals of the Council and the Assembly. It bears date April 20, 1703, and prohibited any present to the governor, lieutenant-governor, commander-in-chief or president of the Council, and increased the Governor's salary from six hundred pounds to twelve hundred pounds, payable out of the royal treasury.

SPECIAL MESSAGES.

October 19. Replying to an address from the Assembly, the Governor assured them that "he should always make such representations to her Majesty and her ministers, as might be conducive to the good and prosperity of the colony," and he doubted not that the Assembly would never propose anything that might not reasonably contribute to that end.

October 23. The Assembly was adjourned to the 11th of April, 1704.

1704. APRIL. NINTH ASSEMBLY, FOURTH SESSION.

LORD CORNBURY, Governor.

The Assembly met the 11th of April, and on the 13th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The time to which you were adjourned the last year being come, I am glad to see so many of you ready to attend the service of the Queen and your country, by which means I hope there may be such dispatch given to the matters which will be laid before you, and that you may think proper to be done, that I may be at liberty to attend the service of the great Queen of England, my Mistress, in the neighboring Province some time in May.

The things which I shall more particularly recommend to the consideration of you, Gentlemen of the House of Representatives, are these: First, the security of the frontiers, which I am afraid cannot be thought so secure now as they were last year. The good success our enemies the French with some of their Indians, have had against our neighbors of New England, who by their carelessness have

suffered themselves to be surprised and cut off at Deerfield, may perhaps encourage them to attempt our frontiers likewise, though I hope (if they do) they will find us more watchful and in a better posture than our neighbors. However, I think it will be absolutely necessary that some men be raised and sent up for the defence of the frontiers for the year ensuing. The number I think proper is 150 men, to be employed thus, 30 men to be added to the garrison of Schenectady, 30 at Nistigaone, 30 at the Half Moon, 30 at Kinderhook, and 30 to be dispersed in the Out Farms; by this means I hope I shall be able to prevail with the inhabitants not to desert their farms, which I am informed they will very speedily do if not protected.

The next thing which I most earnestly recommend to your serious consideration is the condition of her Majesty's revenue in this colony, which is now very small. There was an act of the General Assembly of this colony passed in year 1698, entitled "An act for raising an additional duty for the defraying the debts of the government," but that act was to continue in force for two years only and no longer, which time is long since expired. I only mention this to you because I think the methods prescribed in that act will appear as easy as any that can be thought of; however, I shall leave it wholly to your considerations, to use such methods as you shall think proper, only I must acquaint you that unless some care is now taken the revenue will not answer the necessary charges of the government.

I must acquaint you, Gentlemen, that her most sacred Majesty the Queen, who is always watchful for the good of her subjects, and considering the danger that some of her subjects of this colony were exposed to by the wicked construction put by the then Chief Justice upon an act of Assembly passed in April, 1691 (entitled An act for the quieting and settling the disorders that have lately happened within this Province, and for the establishing and securing their Majesties present government against the

like disorders for the future), has been pleased to command me to recommend to you the repealing the last clause in the said act, her Majesty being satisfied that the laws now in force in England are sufficient to punish any person who shall offend in that manner in these parts.[1]

This, Gentlemen, is what I thought proper to offer to you at this time, therefore I shall detain you no longer, only but to recommend to you unanimity and dispatch in the matters now before you.

SPECIAL MESSAGES.

April 20. Thanking the Assembly for its address.

April 25. Transmitting a statement of the annual salaries of civil officers of the colony; also a report from Thomas Byerly, collector of New York, showing the revenue received by him from the 31st of July, 1703, to the 24th of April, 1704.

June 1. Protesting against the right of the Assembly to prescribe the number and location of officers to command fusileers,[2] and also the right of the Assembly to declare that none of the inhabitants of Albany should be commanded upon that service.[3]

Informing the Assembly that it had no control of funds furnished by the home government for colonial purposes.

Recommending the consideration of additional revenue measures.

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1 See note 4.

2 In the statement of the 8th of June the Assembly say that they had no intention of infringing upon the powers of the commander-in-chief to restrain the number of officers for the fusileers.

3 In the statement of the 8th of June, the Assembly say that large numbers of men and officers sent to the frontiers had been corruptly excused, and their places supplied by enlistments from Albany and vicinity. The suggestion in the bill to which the Governor objected was for the purpose of prohibiting this practice. Albany was weak and needed men from other parts for its defence.

Relating to a bill to repeal part of a recent act for settling and quieting disorders in the colony.[4]

June 27. The Assembly was adjourned to the 2d of October, and on the 2d of September was again adjourned to the 6th of October, 1704.

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[4] A repealing act recommended by the Governor was passed June 27th, chap. 145. This bill gave rise to a dispute between the Governor and Assembly as to their relative legislative powers. The bill as passed by the Assembly contained an enacting clause declaring that it was enacted "by his Excellency, the Governor by and with the consent of her Majesty's Council and this General Assembly." The Council proposed to amend by inserting the words "advice and" before consent, making the clause read that the law was enacted by the advice and consent of the Council and Assembly, giving as a reason that the words added were "parliamentary words used in bills in England."

The Assembly objected to the amendment, stating as a reason that "in all the letters patents from the Crown, wherein there is mention of any Assembly, which the House are humbly of opinion, is the measure of the powers of this government, and the rules of the people's obedience, no word of advice is mentioned, but only the consent of the Council and Assembly, or the major part of them respectively, nor is the House convinced, that the word advice is any ways proper in that place."

Governor Cornbury's commission did not contain the word "advice," but provided that legislative power should be exercised by the Governor with the "consent" of the Council and Assembly; but the practice had not been uniform, and in at least seven cases acts which had been passed during his administration the phrase "advice and consent" was used in the enacting clause. Sometimes the word "consent" was used alone, but usually even this word was omitted, the statement being that the law was enacted by the Governor, the Council and the Representatives convened in Assembly.

The Council also proposed to strike out the words "General Assembly," and substitute the words "representatives in General Assembly." The Assembly also objected to this amendment on the ground that by the Governor's commission he was required to "summon and call General Assemblies" and the representatives when convened were to constitute a General Assembly.

On the Assembly's refusal to concur in the amendment, the Governor required its attendance at the fort, and at this joint meeting considered the attitude of the Assembly toward the pending amendment, and said:

"I have required your attendance here this day, to take notice to you of several innovations lately attempted to be set on foot, by some of you, never thought of nor attempted by any of your predecessors, and which can tend to nothing but to disturb that quiet which her most Sacred Majesty the Queen desires all her subjects should enjoy, in all the parts of the world under her dominion; this can be effectually hindered by nothing, but by the subjects attempting to invade the property of the Queen, or assuming to themselves to exercise a power, vested by the Crown in the Governor alone.

And as these are things, which I shall never suffer during the time her Majesty will be pleased to trust the administration of this government in my hands, so I shall always do my part in admonishing of you, hoping that

LORD CORNBURY, Governor.

The Assembly was adjourned to the 6th of October; on the 12th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The Assembly of New Jersey having detained me some days longer than at first I intended, and the

may bring you to think so seriously, that I may not be forced to exert the powers vested in me by the Queen, nor to make representations to her Majesty to your disadvantage.

The first thing I shall take notice of is the style you have made use of in some of your late bills, in which you insist upon the title of General Assembly, because they are words used in the letters patents, which constitute me Governor of this Province; and at the same time, you are very unwilling to admit of the word advice, though contained in the same letters patents, notwithstanding, in the reasons you delivered to the Gentlemen of her Majesty's Council, for this Province, at a conference you said the said Letters Patents are the measure of the power of this government, and the rules of the people's obedience; but it seems you think yourselves the only interpreters of the Queen's meaning, which I must tell you appertains to me."

It seems that after a conference, the Council receded from all its amendments, except the use of the word "advice," which it insisted on. The Assembly, on the 26th of May, for the purpose of avoiding delay, agreed to admit the amendment, "always saving their rights, this compliance notwithstanding." The Governor in the speech from which the foregoing quotation is made, spoke of this action, and demanded the statement of the rights which "you pretend to save in that vote." On the 8th of June, the Assembly replied by presenting the following statement. The journals are not explicit as to further action on this question, but apparently the Assembly maintained its position, for the law as enacted does not use the term "advice," but declares that it is enacted "by and with the consent of her Majesty's Council and this General Assembly."

"Ever since this Assembly have been elected by the country next its true interest, they had nothing so much in their thoughts, as doing such things as might render them and their actions agreeable to your Lordship, that being in your good opinion they might be the better enabled to perform the services for which they were chosen. It is with great concern they find they are mistook, and charged with innovations; their endeavors are to conform themselves to the Letter, as well as to the true intent (as they understand them) of the commissions under the great seal from the Crown.

They never had, nor can have the least thought of attempting the invasion of her Majesty's property, or assuming to themselves any powers of government whatsoever, nor do they believe your Lordship will exert any powers but what are lawful, nor make any representations but what are just.

season of the year being so far advanced, are the reasons which induce me to recommend to your considerations for this sessions, as few things as may be, and indeed the two chief things which I most earnestly recommend to you to be provided for at this time are the low condition of the revenue, and the defence of the frontiers.

I did in June last recommend to you, Gentlemen of the House of Representatives, to lay an additional duty on certain commodities which had been granted by a former Assembly of this Province, but expired; when I recommended that to you I did it as a thing which in my judgment would in some measure help the revenue without any burthen upon the people. Some gentlemen were then of

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The style of General Assembly, is what in all commissions that mention of Assembly is given to the Deputies of the People, and that they shall be called and held by that name; but since your Lordship hath been pleased to direct the style of the Acts according to your Lordship's instruction (as they are informed) they heartily agree and consent to the same.

The reason they have been dissatisfied with inserting the word advice, in acts of Assembly, is its not being applicable to that purpose (as they apprehend) in the making of laws, the consent of the Council and Assembly, or the major part of them respectively is expressly and only required. your Excellency is not directed, in the making of laws, to take the advice of Council or Assembly, or both, but manifestly the contrary, your Lordship's own prudence being wholly and solely intrusted to prevent that whatsoever might be agreed on by the Council and Assembly (if in your Excellency's judgment) to the prejudice of the Crown, should not receive the sanction of a law; and the so often repetition in the English histories and laws of these words, *common consent in Parliament*, (to which laws. being the birthright of Englishmen, this Assembly humbly lays a just claim) appears to them a clear illustration of the matter.

All commissions from the Crown have hitherto been not only openly and solemnly published, but recorded in the Secretary's office, for the subject to have recourse to on occasion, and the publishing has ever been by special direction and instructions from the Crown; this must be to the end they may be construed and understood by the people, and can be to no other purpose whatsoever.

My Lord,

This Assembly being intrusted by the people of this Plantation, with that care of their Liberties and properties, and sensible of their own weakness, least through ignorance or inadvertency they should consent to anything hurtful to themselves or their posterity (in all things admitting of doubts) are willing to save their rights, and those rights they mean to be that natural and civil liberty, so often claimed, declared and confirmed, by the English laws, and which they conceive every free Englishman is entitled to, whatsoever else may admit of controversy, the people of this Colony think they have an undoubted, true and entire property in their goods and estates, of which they ought not to be divested, but by their free consents, in such manner and to such ends and purposes, as they shall think fit, and not otherwise; if the contrary should be admitted, all motion of property would cease."

opinion that such an additional duty would be a clog upon the trade of this place; if they have taken the pains to inquire into that matter, I do not question but they will be of another mind. For my part, I did inquire of some of the most considerable merchants of this city, who told me that such a duty would have been rather a help than a hindrance or clog to the trade of this place. Being well persuaded that those gentlemen were right in their opinions, I once more recommend the consideration of such a duty to you, or else that you will consider of some other method to enable her most sacred Majesty the Queen to support the necessary charges of the government, which the present revenue will not do.

The next thing is the defence of the frontiers of this Province. In order to that, I did in July last order a detachment of 100 men out of the militia for that service; the greatest part of that number did go up to Albany, and have been posted in the places most convenient for the defence of the country, which has kept us quiet this summer. I think they ought to be kept there till the last day of March next at least, and that some out-scouts should be raised for this winter. I therefore recommend it to you, Gentlemen of the House of Representatives, to prepare such a bill as may raise a sum sufficient for the paying the men that have been sent up, and for the out-scouts, with such contingent charges as may be necessary for their going to Albany and returning home again.

If there is anything else that may be reasonable to be enacted at this time, you shall find me ready to embrace all occasions of doing such things as may be for the good of her Majesty's subjects in this colony. I have nothing further to recommend to you at this time but unanimity in your consultations and dispatch in the matters before you.

November 6. The Assembly was dissolved. No acts were passed at this session.

1705. JUNE. TENTH ASSEMBLY, FIRST SESSION.

LORD CORNBURY, Governor.

The Assembly met on the 7th of June, and on the 14th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—I am sorry the Queen's service in the neighboring Province and the ill weather we have lately had has hindered me from meeting this Assembly as I intended; however, I hope we will still have time enough to dispatch such things as may be necessary to be provided for at this time. Those which I shall more particularly recommend to the care of you, Gentlemen of the house of Representatives, are these:

First, That a sum may be provided sufficient to pay one hundred fusileers and fifty outscouts, with their proper officers, to be sent to Albany and places adjacent, for the defence of the frontiers for one year, and likewise that provision may be made for their going up to and returning from Albany, and likewise for bedding for them while they are there. This is of absolute necessity at this time, because I have received an account of a design of the Waghana Indians with several other nations in amity with the French to attack our five nations, who if they see that we are either not willing or not able to support and defend them against their enemies, will the more easily be persuaded to go over to the French, the ill consequences whereof are so well known that I need not mention them to you, nor will I trouble you with any particulars of this news, because I had it from those gentlemen who are chosen to serve for this Assembly in the county of Albany, who are well able to inform you of the truth of that matter.

The next thing I recommend to your care is the providing such a sum as may be sufficient to pay and defray the

charges of the detachment sent up to Albany for the defence of the frontiers last fall, an account whereof shall be laid before you. I must take notice to you that the bill for settling the militia, which was passed in the year 1702, is expired by its own limitation. I think it is very necessary that act should be revived.

The difficulties which some very worthy ministers of the Church of England have met with in getting the maintenance settled upon them by an act of General Assembly of this Province passed in the year 1693, moves me to propose to you the passing an act explanatory of the aforementioned act, that those worthy good men, who have ventured to come so far for the service of God in His Church, and the good and edification of the people, to the salvation of their souls, may not for the future be vexed, as some of them have been, but may enjoy in quiet that maintenance which was by law provided for them.[1] I further recommend to you the passing an act to provide for the maintenance of some ministers in some of the towns at the east end of Long Island, where I do not find any provision has been yet made for the propagating religion.

The next thing which I think does very highly deserve your serious thoughts is the laying a duty upon all European goods imported into this colony from any of the neighboring Provinces, whereas now those goods pay no greater duties than those which come directly from England. I did recommend this matter to the last Assembly, and I am afraid the not doing of it at that time has been a considerable prejudice to the trade of this Province, and I am persuaded that unless effectual care be now taken in that matter, the trade of this place will not only become precarious, but our navigation will be entirely ruined. I am of opinion it would be very proper to lay a duty upon all rum and other spirits imported from any place what-

[1] This recommendation was embodied in the act, chap. 146, passed August 4th, explaining the act of 1693 for settling a ministry.

soever, except England and her Majesty's islands in the West Indies. I therefore earnestly recommend to your care the preparing such a bill as may effectually answer the ends proposed.

I further recommend to your consideration whether the passing an act to discourage the exportation of corn, and to encourage the exportation of flour from this Province would not be of good advantage to trade.

I observe that during the late war, at a time when much greater sums were given for the defence of the frontiers than have ever been demanded since the beginning of this, the Assemblies in those times thought fit to grant several sums of money towards the discharging of the debts of the Province. Whether it is not as reasonable to take the same methods now to discharge the debts that were contracted before my coming to this government, I leave to your consideration, only I think it a duty incumbent on me to put you in mind of it, that the people to whom these debts are due may not think themselves neglected.

I am of opinion it will be necessary to pass an act to prevent the clipping and defacing the foreign coin which has currency in this Province; and another for the more effectual suppressing of scandalous houses and bawdy houses, and to prevent scandalous women from coming from the neighboring provinces to live in this; and another to punish negroes, Indian and mulatto slaves, and to prevent their running away from their masters.[2]

These, gentlemen, are the things I thought fit to propose to your consideration at this time. I must now acquaint you that her Most Sacred Majesty has been pleased to order that for the future no governor, lieutenant governor, commander in chief of this province shall receive any gift or present from the country, which order you will find entered

2 An act, chap. 149, was passed August 4th, to prevent negro slaves from running away to the French of Canada. An act regulating slaves, passed in 1702, was revived for seven years by an act, chap. 155, passed August 4th.

in your journals. All the return the Queen expects from the easing you of the burden of those presents is that you contribute more freely to the defence of the country.

I have nothing more to offer to you at this time, only unanimity in your consultations and dispatch in the matters before you.

If anything occurs to you which you think may be for the service of the Queen and the good of the country, you shall always find me ready not only to hear it but to join heartily with you to promote anything that is reasonable.

SPECIAL MESSAGES.

July 5. Transmitting an account of the expenses incurred in sending a detachment of militia for the defence of Albany.

July 26. At a joint meeting of the Assembly and Council, the Governor delivered a speech, in which he said that on the recent appearance of a French privateer at the mouth of the harbor, several vessels had been fitted out for the purpose of capturing or destroying the privateer, and a reward of "two thousand five hundred pieces of eight" had been offered for volunteers. Three hundred and fifty men had been employed on an expedition of ten days, but the privateer was not found. The Assembly was asked to make an appropriation to defray the expense of the expedition.

In the same speech the Governor, in obedience to the Queen's command, communicated to the legislature three recent acts of Parliament; one was intended to encourage the "importing of naval stores from her Majesty's plantations in America." The Governor said the act was "contrived" for the benefit of the colony, and he hoped the trade would be promoted by the people, and for that purpose the Queen requested such local legislation as would make the act of Parliament most useful and effectual. Another act prohibited all trade with France, and another

prohibited all traitorous correspondence with the Queen's enemies.

The Governor also said that the Queen requested the Assembly "to raise a fund for purchasing military stores, and for the supplying other uses as the defence of the Province may require."

The Governor also said he had received from the Lords of Trade a communication, expressing the opinion that the Council had the right to amend all bills sent to them by the Assembly "even those relating to money." This had reference to resolutions adopted by the Assembly in June and November 1704, denying the Council's power to amend money bills. It was the beginning of a dispute which continued through the colonial period. The subject will be further considered in notes to the Fourteenth Assembly, Third Session (May, 1712).

August 4. The Assembly was adjourned to the 10th of September, and on the 6th of September was again adjourned to the 19th.

1705. SEPTEMBER. TENTH ASSEMBLY, SESOND SESSION.

LORD CORNBURY, Governor.

The Assembly met the 19th of September, and on the 26th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The season of the year being so far advanced I shall not trouble you at this time with anything but what I think absolute neccessity to be provided for, that is the defence of the frontiers; a hundred fusileers and fifty out-scouts will be necessary for that service. I hope you will prepare such a bill for the raising a sum sufficient

to answer that charge, as I may give my assent to it without breaking the instructions her most sacred Majesty the Queen has been pleased to honor me with. This, Gentlemen, is all I shall recommend to your consideration at this present, and to which I intreat you to give all possible dispatch.

I had almost forgot to put you in mind of the sea expedition this summer. I think that ought to be discharged, because several debts have been contracted upon that account.

September 26 to October 13. The Assembly held several meetings between these dates, but no laws were passed. On the latter day the Assembly was prorogued to the 1st of May, 1706.

April 23. The Assembly was again prorogued to the 12th of September, but on the 14th of May a proclamation was issued convening the Assembly in extraordinary session the 24th inst.

1706. MAY. TENTH ASSEMBLY, THIRD SESSION.

LORD CORNBURY, Governor.

The Assembly met on the 24th day of May, and on the 29th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The service of her most sacred Majesty the Queen in the neighboring colony having obliged me to prorogue this Assembly to the month of September next, I should not have given you the trouble of meeting till that time, were I not forced to it by an indispensable necessity. The repeated advices our merchants here have received from their correspondents in the West Indies of the design the French have of attempting this colony, have made me

think it of absolute necessity to call you together at this time, that all proper measures may be taken for the defence of this place which as yet lies very open, naked and defenceless.[1] There are two things therefore which I shall chiefly recommend to your care; one is the providing a fund for the fortifying of this city,[2] the other is the providing a fund for the repairing this her Majesty's fort, which is extremely out of order, and for mounting the guns, most of the carriages being rotten and unserviceable. These two things are of absolute necessity, and without which it is to be feared this place may become a prey to a powerful enemy who can design no less than to lay it waste and destroy it, as they have done the Islands of Nevis and St. Christophers, whose misfortunes I hope will be an inducement to you to make effectual provision for the defence of this colony, and you may be sure that whatever you shall think fit to give shall be applied to the uses for which you give it, and to no other.

GENTLEMEN.— I must take notice to you that the last Assembly did pass an act for the raising the sum of £1500 towards the erecting batteries at the Narrows, which would have been of very great use at this time had that money been collected, but it has not. I am sensible that some malicious illminded people have reported that I have taken that money into my hands; that the truth therefore may be known and I justified, I recommend it to you, Gentlemen of the house of Representatives, to make a strict inquiry into that tax.

I think it proper to recommend to you the reviving the

1 Doubt having arisen as to the legality of the extraordinary session because of a prorogation to a later date, the Assembly on the 30th of May adopted a resolution declaring that "in regard to the indispensable necessity mentioned in his Lordship's speech, of which this House is deeply sensible, they will sit and proceed to give the best assistance, toward the necessary defence of this colony."

2 An act, chap. 158, providing for the fortification of New York, was passed June 27th.

militia act which expired by its own limitation in the year 1704, and I am the rather induced to do it at this time because in this time of danger, if there be not some law passed to keep the people to their duty, I shall be forced to put martial law in practice, which I am sure will fall heavier than any act of Assembly will do.[3]

I cannot conclude without putting you in mind of the necessity of making provision for outscouts this next winter to be sent from Albany. These are the things I thought proper to recommend to you, and which I hope you will provide for with all possible dispatch, because I think the nature of the thing requires it. If you can think of anything else that may require the aid of an act of Assembly at this time, you shall always find me ready to do anything which shall be proposed to me for the Queen's service and the good of the country.

SPECIAL MESSAGES.

June 27. The Governor considered two money bills passed by the Assembly, but declined to approve them because not drawn in the usual form. Commenting on these bills the Governor said:

"I wish the necessity of proceeding for the defence of this Country, in this time of imminent danger, could have prevailed with you to have passed the money bills in the same method which has been always used in this Province till very lately, because then I could have ssented to them, which you know now I cannot do, without manifest breach of the positive command her most Sacred Majesty the Queen hath been pleased to honor me with, in her Royal instructions to me. This I say you know to be true, because you have had copies of these instructions every session, since you have thought fit to insist upon these innovations, which your predecessors never thought of, and, which I believe, would not have been attempted at all, were it not for some unquiet spirits among you, who can never be con-

[3] The militia law was revived by an act, chap. 157, passed June 27th.

tent to see the service of the Queen, and the true interest and good of the country, go hand in hand, as they ought to do. I am sorry to see those few (and I am satisfied they are but few) have so much influence upon the rest of the House, as to prevail with them to insist upon those clauses, which you know, I could not agree to; but since it is so, I take God and the world to witness, that whatever misfortune may befall this Province for want of money intended to be raised by those bills, must lie at your doors, I shall do my duty to the utmost, but being under oaths for the faithful discharge of my duty to the Queen, I will upon no terms break them, and I believe no reasonable man would desire it."

The Governor expressed surprise that the Assembly had taken no measures to repair the fort in New York, and also that no inquiry had been made into the tax of fifteen hundred pounds, appropriated by the act of 1703 for the erection of forts at the Narrows, especially because of the "scandalous report" that he had applied the money to his own use.

June 27. The Assembly was adjourned to September 12, and on the 30th of August was further adjourned to the 24th of September.

1706. SEPTEMBER. TENTH ASSEMBLY, FOURTH SESSION.

LORD CORNBURY, Governor.

The Assembly had been adjourned to the 24th of September, but on that day the Governor adjourned it to the 27th, at which time he delivered the following

OPENING SPEECH.

GENTLEMEN.—When I dismissed you at the end of the last sessions in June last, I acquainted you that though I

could not assent to the bill you tendered to me for the raising the sum of three thousand pounds towards the fortifying of this city,[1] yet I would not reject it, hoping that I might receive such directions from England as might make that matter more easy. I am very glad I can now acquaint you that my expectations are answered. I have received letters from the Right Honorable the Lords Commissioners for Trade and Plantations, containing her most gracious Majesty's commands to me to permit the General Assembly of this Province to name their own treasurer when they raised extraordinary supplies for particular uses, and which are no part of her Majesty's standing and constant revenue, but the treasurer so nominated must be accountable to the Governor, Council and Assembly. Warrants may be issued by the colonels, captains or other persons as the act shall direct, but the Governor must always be informed of the occasion of issuing of such warrants, and all persons concerned in the issuing and disposing of such moneys must be made accountable to the Governor, Council and Assembly. Thus, Gentlemen, I have acquainted you with her Majesty's pleasure relating to the passing of bills for the raising moneys for extraordinary supplies.

GENTLEMEN.— I am commanded by the Right Honorable the Lord Commissioners for Trade and Plantations to acquaint you that her Majesty's Council for this Province have undoubtedly as much to do in forming of bills for the granting and raising of money as the Assembly, and consequently have a right to alter or mend any such money bills as well as the Assembly.[2]

Their Lordships likewise observed that in the preamble of the £1700 bill there is an error in not granting the money

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[1] See last session, special message of June 27th, ante p. 121, for the Governor's original objection to this bill (for the fortification of New York). It was finally approved on the 21st of October, and became chapter 159.

[2] See note on money bills, post 162, Fourteenth Assembly, (May, 1712) Third Session, Note 1.

thereby intended to be raised to the Queen, which need not hinder the Assembly from appropriating the money to be granted to such uses as are found requisite. Their Lordships further observe that the penalty in the last clause in the £1700 bill is of an extraordinary nature, such as no Assembly anywhere else ever attempted before, and they say it is highly presumptuous in the Assembly to pretend to propose or pass any clause whereby her Majesty is restrained in her royal prerogatives of pardoning or reprieving her subjects whenever she sees it reasonable and convenient, and they command me to acquaint the Assembly with these matters that the like errors may be avoided for the future.

I am further to acquaint you that their Lordships are of opinion that the province of New York ought to provide towards it own security by giving such necessary funds (as is done in other plantations) for furnishing the inhabitants with arms as there may be occasion, and this their Lordships command me likewise to represent to you.

Thus, Gentlemen, I have acquainted you with those things I had in charge from England. I shall now mention to you those things which in my opinion ought now to be provided for; and first, I desire you to observe that by the directions I have now received, it is impossible for me to pass the £3000 bill in the terms it is now conceived, and therefore I entreat you to prepare another bill for that service according to the methods above mentioned.

I must likewise recommend to your consideration the providing a fund for the paying the detachment sent up under Captain Higby's command for the defence of the frontiers in the year 1704, and the outscouts under the command of Captain Brat, and since that time, and likewise for defraying the charge of Colonel Schuyler's journey to the Onondaga's country at a time when we were in great danger of having the Five Nations debauched from their allegiance to the Crown of England, which was prevented by his

going.[3] This was so good a service that I hope you will think it reasonable that charge should be answered.

I must likewise acquaint you that by accident very lately the guard room in the fort at Schenectady was burnt down with a great quantity of firewood which had been provided for this winter now coming on. I should be glad that might be repaired before the cold weather comes, else it will be impossible for the men to keep guard in that place which lies the most exposed of all our frontiers.[4] I will direct an estimate to be laid before you for that purpose.

I must again recommend to you the providing a fund for the repairing and maintaining her Majesty's fort in this city, which yet wants several things to put it into a posture fit to resist an enemy, if we should be attacked, which we very narrowly escaped this summer. Whether you will not think fit to fortify the Narrows to prevent any attempt of the like nature for the future, I leave to your consideration, but in my judgment I look upon that to be the best way to cover this city from any attempt the French may intend to make upon us, and I choose to mention it to you at this time the rather because Captain Redknap, whom the Queen has been pleased to appoint to be her Engineer in these parts, is now here and will if you desire it give you an account of what he thinks proper to be done to answer that end.

The last thing I shall trouble you with at this time is the providing a fund for the defence of the frontiers at and about Albany this winter. One hundred men and five and twenty outscouts will, in my opinion, be sufficient to answer that service.[5]

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3 An appropriation for Col. Peter Schuyler's services and expenses in his mission to the frontier Indians was made by an act, chapter 161, passed October 21st.

4 An act, chap. 162, passed October 21st, made provision for repairing the guardhouse at Schenectady.

5 Provision for the defence of the frontier at and about Albany was made by an act, chapter 161, passed October 21st.

Thus, Gentlemen, I have offered to you what I think necessary to be provided for. If any other things occur to your thoughts which may be necessary to be provided for by a law, you shall always find me ready to consent to anything that may conduce to the service of her Most Sacred Majesty the Queen, and the good and welfare of the country.

October 21. The Assembly was adjourned to the 20th of May, 1707.

1708. AUGUST. ELEVENTH ASSEMBLY, FIRST SESSION.

LORD CORNBURY, Governor.

October 21, 1706, the Tenth Assembly was adjourned to May 20, 1707, but there is no record that it met on that day, or that it ever met again. The printed journal of the Assembly in the State Library contains a statement that on the 15th of May, 1707, Governor Cornbury, then being at Burlington, New Jersey, issued a proclamation dissolving the Assembly. This proclamation does not appear in the Council Journal. It seems from a letter written by Governor Cornbury to the Lords of Trade July 1, 1708 (Col. Doc. Vol. V, p. 61), that the Burlington proclamation was for an adjournment instead of a dissolution. The Council minutes for July 9, 1708, recite the issuing of writs of election for an Assembly to meet on the 18th of August following, and also contain a statement that a proclamation was directed to be issued dissolving "this Assembly," from which it would appear that the Tenth Assembly had not then been dissolved. There is no record of any meeting of the Assembly between the 21st of October, 1706, and the 18th of August, 1708.

The validity of the Burlington proclamation was questioned in New York on the ground that the Governor had no power to issue such a proclamation outside the Province.

In the letter above cited, Lord Cornbury refers to this objection, and submits to the Lords of Trade the question whether any order signed by him in one Province is to be of force in the other. His own views were not only expressed by the proclamation itself, but he seems to have considered that his appointment as Governor of New York and also of New Jersey, though by distinct commissions, had in effect produced a union of the two Provinces for purposes of administration. In a letter from Lieutenant-Governor Ingoldesby to the Lords of Trade, dated November 10, 1705 (Col. Doc. IV, 1162), the Lieutenant-Governor says that Governor Cornbury had not permitted him to act as Lieutenant-Governor of New York, although the Governor was absent in New Jersey, and he (Cornbury) claimed that when he was in either of his governments of New York or New Jersey, he was in both.

The Lords of Trade considered Governor Cornbury's question in a letter of instructions to Governor Hunter dated December 23, 1709, and sustained the Governor's power to act in one colony while in the other. It should be noted that by the commissions to the Governor and Lieutenant-Governor, the Lieutenant-Governor was to act in case of the Governor's absence. The same rule is prescribed in the State Constitution.

The Eleventh Assembly met on the 18th of August, 1708, and on the 20th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I am glad to see so full an appearance so early, especially at this time, when the country stands in the greatest need of your assistance.

The chief things I have to recommend to the consideration of you, Gentlemen of the House of Representatives, at this time, are these: First, I am in duty to the Queen obliged to put you in mind that her Majesty's revenue in

this Province expires in May next. I don't doubt but you will always take care to provide for the support of the government.

The militia act is already expired. I think it is absolutely necessary to revive that act, else it will be difficult to bring some people to do their duty in case the enemy should attempt anything against this Province.[1]

In the year 1703, Captain Higby was sent up to Albany with a detachment for the defence of the frontiers, at a time when if that care had not been taken, most if not all the out-farms had broke up and retired into the Town. There was a contract made with Mr. Hendrick Hansen for subsisting those men; he performed his part. It is reasonable he should be paid; the revenue is not able to bear it, and I hope you will not leave that burthen upon me.[2]

In the year 1705 the French privateers so infested this coast that the gentlemen of her Majesty's Council were of opinion with me that some vessels ought to be fitted out to endeavor to take the privateer who had done the mischief, and accordingly a ship, a brigantine and two sloops were fitted out under the command of Col. Peartree; several of the merchants of this city furnished provisions and other necessaries for that expedition, who are not yet paid, and since the safety of the country and the preservation of the trade of this Province were the only causes of that expense, I hope this Assembly will think fit to raise a fund to discharge that debt.[3]

The next thing which I most earnestly recommend to the most serious thoughts of you, Gentlemen of the House of Representatives, is the case of the Indians of the Five Nations. The first year I came into this Province I gave the

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1 The militia law was revived by an act, chap. 168, passed September 18th.

2 An appropriation to pay the Hansen claim was made by an act, chap. 177, passed October 16th.

3 An appropriation for the expense of the expedition against French privateers was made by an act, chap. 180, passed October 30th, providing for various extraordinary charges.

Five Nations a large present; since that time having received nothing from England for that purpose, I have not been able to make them any presents, and still expecting presents from England for them, I avoided troubling the Assembly on this subject; but now being well assured that unless some presents are given this fall we are in manifest danger of losing some if not all those Five Nations by the unwearied endeavors of the French, who are continually making them presents, and using of other endeavors to debauch them from us, I thought it an indispensable duty upon me to lay this before you as a thing of the greatest consequence. I need not tell you what unhappy circumstances this and the neighboring Provinces will labor under if one of those Five Nations of Indians should leave the interest of England and turn to the French. You are very good judges of that matter, therefore I shall not enlarge further upon this subject, only desire you will provide such a sum as you think proper to be laid out in presents for the Five Nations and the Schackock Indians.[4]

I can't omit putting you in mind that the act for encouraging a post office is expired; that is of so general advantage that I hope you will revive it.[5]

I must observe to you, that in the act for clearing and preserving public common highways there is no penalty upon the overseers of the highways if they don't see them made according to the directions of the commissioners. I think an act for that purpose would be of good use, and without it, I am afraid the highways will never be laid out and made as it was intended by the act of Assembly they should.[6]

These are the things I thought proper to recommend to

[4] An act, chap. 166, passed September 18, appropriated twelve hundred pounds to be used for presents to the Indians.

[5] A new postoffice law was passed September 18, chap. 169.

[6] A supplemental highway law, chapter 182, was passed on October 30th. It required the inhabitants, on notice from the overseers or other officers, to clear and maintain highways at least one rod wide.

your consideration at this time; if there is anything else which you think ought to be provided for by a law, you shall always find me ready to consent to anything which may be for the service of the Queen and the good of the country.

I think it proper to acquaint you that Col. Redknap, her Majesty's engineer, has been up at Albany with me and has viewed the frontiers. He has given me a memorial of what he thinks absolutely necessary to be provided for at present, which memorial shall be laid before you for your consideration.

There is one thing I had almost forgot to mention, which is the condition of a poor soldier of this garrison, whose name is Richard Davis, who lost his arm on board the Triton's prize. He has a family of children and nothing to maintain them but his pay. When he had his limbs he got something by his work, but now he is not able to work. If the country would settle something upon him, it would be a very good encouragement to other people to venture their lives and limbs in the service of the country as often as occasion should require.

I have nothing more to add at present, but to recommend to you unanimity in your proceedings and dispatch of such matters before you as you shall think fit to proceed upon.

SPECIAL MESSAGES.

August 28. Presenting a list of presents proposed to be given to the Indians; recommending that the commissioners of Indian affairs be reimbursed for advances made by them;[7] that provision be made for the maintenance of one hundred and fifty men and officers for the ensuing year; also for a "fund for outscouts, spies and other incidental charges at the frontiers." "Very frequently Indians are sent with messages from the sachems, to the commissioners

[7] This reimbursement of the commissioners of Indian affairs was provided for in the general appropriation act, chap. 180, passed October 30th.

for Indian affairs; these messages always create some charges more or less, and there is no fund to support that, or the like charges." The Governor also recommended that something be done for Col. Schuyler "who by being very well known to all the Indians, is put to great charges by their coming to his house, which they use as freely as if it were their own. I should be very glad if the Assembly would think fit, to make him some allowance for those charges."

September 1. Recommending that Captain Norbury be reimbursed for expenses incurred by him in connection with the recent expedition against the French privateer.

September 27. Recommending that two sloops now in the harbor be sent in pursuit of the French privateer, and that provision be made for reimbursing the owners of the sloops in case of their injury of loss.[8]

October 16. Presenting a draft of an address to the Queen requesting her approval of an act for regulating and preventing the corruption of current coin.[9] The address was approved. The consideration of this subject was renewed at the first session of the Assembly under Governor Lovelace in April, 1709.

October 29. Recommending the consideration of measures to supply fire wood and candles to the garrisons at New York, Albany and Schenectady.

November 27. The Assembly was adjourned to the first of March, 1709.

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[8] September 27th, the Assembly adopted a resolution to "raise such sums of money as is necessary to defray the hire and risk of those two sloops for this cruise," against the French privateers. (See note 3.)

[9] The act relating to the corruption of coin was passed October 6th, chap. 173.

1709. APRIL. TWELFTH ASSEMBLY, FIRST SESSION.

LORD LOVELACE, Governor; RICHARD INGOLDESBY, Lieutenant-Governor.

John Lovelace, Baron of Hurley, was appointed Governor, May 13, 1708. He arrived on Long Island December 15, and on the 18th took the oath of office and published his commission. January 5, 1709, the Assembly was dissolved and a new one was called to meet March 10. The Assembly met the 5th of April, and on the 7th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I have called you together as early as you could well meet with conveniency to yourselves to consult of those things which are necessary to be done at this time for her Majesty's services and the good of the Province.

The large supplies of soldiers and stores of war for your support and defence, together with those necessary presents for your Indian neighbors which her Majesty has now sent you at a time when the charge of the war is so great at home, are evident proofs of her particular care of you, and I assure myself they will be received with those testimonies of loyalty and gratitude which such royal favors deserve from an obliged and grateful people.

I am sorry to find that the public debt of the Province is so great as it is, and that the government here hath so little credit, if any at all left, a government under a Queen as famous for her prudent and frugal management at home, as for her warlike and glorious actions abroad. I cannot in the least doubt, Gentlemen, but that you will raise the same revenue for the same term of years for the support of the government as was raised by act of Assembly in the

eleventh year of the reign of the late King William of glorious memory, and I hope you will also find out ways and means to discharge the debt that hath been contracted, and allow to the persons concerned a reasonable interest till the principal is discharged. To that end I desire you to examine and state the public accounts that it may be known what this debt is, and that it may appear hereafter to all the world that it was not contracted in my time.

I must in particular desire you to provide for the necessary repairs of the fortifications of the Province. The barracks are so small, and so much out of repair, that I have been necessitated to billet the recruits that came over with me upon this city, which I am sensible hath been a burthen to the inhabitants, but I hope you will soon ease them of that burthen.

The fitting out a good sloop to attend her Majesty's men of war in their cruisings on this coast, I take to be so necessary for the preserving your navigation, that I expect you will find out a proper method to defray that charge. I am willing my salary should be taxed, that I may pay my quota to so useful a service.

I think myself obliged further to recommend to your consideration how to prevent the exportation of the gold and silver coin out of the Province, least in a short time your trade should suffer for want thereof.[1]

The Queen hath nothing more at heart than the prosperity of her subjects. I shall approve myself to her Majesty in pursuing those methods that will best conduce to that end. It shall be my constant care to promote peace and union amongst you, to encourage you in your trade, and to protect you in the possession your just rights and privileges.

[1] This recommendation was included in a law passed September 24th, chap. 196, which prohibited the exportation of gold and silver coin.

SPECIAL MESSAGES.

April 20. Advising the Assembly of a proposed treaty of peace between the Five Nations and the Waganhas, and recommending that a representative of the Province be present at the treaty "to endeavor to procure a free trade, with the Waganha Indians," which it was believed would "very much conduce to the advantage of the Province." The Council had already acted on the matter and had "ordered some of the presents His Excellency brought to be sent to the said Indians." It was estimated that the journey would cost fifty pounds, and the Assembly was asked to provide the needed funds.[2]

April 22. The passage of a law in October, 1708, to regulate and prevent the corruption of current coin has already been noted, and also Governor Cornbury's action thereon. An address to the Queen was prepared praying her approval of the colonial statute, which was intended to supersede in New York a recent act of Parliament to ascertain the rates of foreign coin in the American plantations, and it was to take effect on the first of May following. April 22, the Assembly presented an address to Governor Lovelace requesting him to put the colonial act into operation until the Queen's pleasure concerning it be known. The Governor expressed regret that he could not comply with the Assembly's request, being "obliged to put the act of Parliament in force pursuant to his instructions," but would readily join with the House in any address to the Queen for her royal assent to the colonial act relating to coin.

May 6. Governor Lovelace died.

May 10. Richard Ingoldesby, Lieutenant-Governor. It has already been noted that Major Richard Ingoldesby was

2 The Assembly adopted a resolution to make the needed appropriation, which was provided for by an act, chap. 209, passed at the next session, November 12th, allowance being made to David Schuyler and Lawrence Claesen for their journey to Onondaga.

Commander-in-Chief of the Province and exercised the functions of Governor after the death of Governor Sloughter in 1691, and until the accession of Governor Fletcher. November 26, 1702, Major Ingoldesby was appointed Lieutenant-Governor of New York, under Lord Cornbury, and was also appointed Lieutenant-Governor of New Jersey. The Colonial records show (Col. Doc. IV, 1174) that an order was made April 11, 1706, on the recommendation of the Lords of Trade, directing the revocation of Ingoldesby's commission as Lieutenant-Governor of New York, but there was apparently no formal warrant of revocation signed by the Queen. The Lieutenant-Governor therefore continued to hold the office, and on the death of Governor Lovelace May 6, 1709, he became Acting Governor. His commission as Lieutenant-Governor was formally revoked September 7, 1709.

May 10. The Assembly met pusuant to its own adjournment. At this meeting Lieutenant-Governor Ingoldesby said:

"GENTLEMEN.— My Lord Lovelace being dead, and the government thereby devolved on me, I have sent for you, to recommend to your consideration, his Excellency's speech at the beginning of the session, wherein I find he has taken notice of those things which I conceive are at present necessary to be provided for by you; if there be anything further, which you shall judge necessary for her Majesty's service, and the good of the country, I shall be very ready to concur with you therein."

SPECIAL MESSAGES.

May 17. Communicating various items of information relative to a proposed expedition to Canada, and recommending that the Assembly give the subject immediate consideration.[3]

[3] An act, chap. 186, was passed May 24th, appropriating six thousand pounds for the expedition to Canada.

June 21. Recommending the establishment of a post "from Albany to Westfield, for holding a correspondence between Boston and Albany, for the service of the present expedition, the Province of Massachusetts Bay having settled a post from Boston to Westfield."

August 18. The Lieutenant-Governor adjourned the Assembly to the 1st of September.

1709. SEPTEMBER. TWELFTH ASSEMBLY, SECOND SESSION.

RICHARD INGOLDESBY, Lieutenant-Governor.

The Assembly was adjourned to the first of September, but no business was transacted until the 7th. The records do not show that any speech by the Lieutenant-Governor was delivered at the opening of this session.

SPECIAL MESSAGES.

September 15. Transmitting "the account of Thomas Cockerill, amounting to fifty-nine pounds, for messengers and necessaries for them, sent to the Five Nations on the treaty of peace between them and the Waganna Indians." (See last session, note 2; *ante,* p. 134.)

September 21. Transmitting an address from the municipal authorities at Albany, and recommending a conference committee of the two houses to consider the subject of the address; that a joint committee of the two houses "draw up a state of this Province, occasioned by the delay of the fleet, and the extraordinary charge this government has been at, in this expedition against Canada, in order the same may be laid before her Majesty." The records do not disclose the subject of the Albany address.

October 6. Transmitting letters and other documents relative to the expedition to Canada, including a letter from Colonel Vetch, requesting the appointment of a committee

of two members from each house to join him in a conference with several Governors and others at Newport "to concert proper measures on the expedition to Canada," also a statement of the camp at Woods Creek.

October 11. Transmitting other letters relating to the proposed congress at Newport, on which the Assembly declared its inability to act without further information concerning the delay in the arrival of the fleet and the change of resolutions in Europe.

October 11. At a joint meeting of the two houses the Lieutenant-Governor approved certain bills, and made the following speech:

"GENTLEMEN.— The condition of her Majesty's forts at Albany and Schenectady, together with the works around the town, are so well known that I need not be particular in telling you wherein they are defective. The incursions which we have but too much reason to apprehend from the French at Canada, and their Indians, this approaching winter, oblige me for the security of her Majesty's subjects in the frontiers of this Province, and the common security of the whole, to recommend to you, with all the earnestness I can, to raise a fund, for the putting those forts and fortifications in a posture of defence, before the winter sets in, to prevent so necessary a work. I hope I need not use any arguments to persuade you to what must to all discerning men appear to be so highly requisite for the preservation of the frontiers, and for the good of the country you represent.

I am sensible, the money you have raised this year has been extraordinary; yet I cannot but desire you to provide for the repair of her Majesty's fort in this city, which very much wants it; the barracks are so far decayed, that I doubt unless some speedy measures be taken, they will in a short time require a far greater sum to put them in a condition to accommodate the soldiers; many of the carriages are likewise much out of repair, and without some care be taken of them, the guns will soon want new ones, and though those her Majesty was pleased to send with my Lord Lovelace are yet very good, yet without some labor and expense the winter will render a greater charge necessary for them."

October 12. The Assembly presented an address to the Lieutenant-Governor describing conditions on the northern frontier, and requesting him "to give directions that all her Majesty's regular troops, be posted this winter, upon the frontiers of Albany and parts adjacent, for the security of those inhabitants, who are exposed next to the danger of the enemy, our maritime confines being sufficiently defended by the season of the winter instant." Replying the Lieutenant-Governor said "he was afraid the regular troops, by reason of their sickness would not be sufficient for that service, but he would take all possible care for the defence of the frontiers."

The next day the Lieutenant-Governor informed the Assembly that the subject of troops on the frontier had been under consideration in the Council. He thought all of the troops able to do duty should be left at Albany during the winter, and that invalids should be sent to New York and when able, to do duty at the fort. The Council thought that all the troops should be left at Albany, if the Assembly or the inhabitants of Albany would care for the invalids, provide "fire and candles for the garrisons at Albany, Schenectady and New York, and also raise a suitable number of the militia to strengthen the frontiers, and that they take care that a guard be kept in the fort of New York, in a more regular manner than hath hitherto been observed, and with more ease to the inhabitants of this town."

October 18. Transmitting letters relative to the negotiations at Newport, and also several letters from Albany, giving an account of affairs at Wood Creek. The next day the Assembly adopted a resolution declaring that:

"The Forces of this Plantation having been raised, entertained and provided for by the credit of this colony, for three months only, (pursuant to her Majesty's instructions) during the summer season; the mortality, and other ill consequences that have happened, has been occasioned by their not being punctually discharged; though the un-

wholesome situation of the fort at Wood Creek has not a little contributed to the calamity.

That those forts and works, having been made and raised only for the easy passage of men and carriage, and security of stores and provisions, in the intended reduction of Canada, that design being now left off, are of no use, nor could the conveniency of keeping them up bear any proportion to the unsupportable charge.

That neither the Lieutenant Governor, the Council, Assembly, or any of them, (when out of this colony) have power or authority to do any act binding to the people here; so that the meeting at Newport, as to this colony, seems very improper and impracticable.

That all motions of this colony, as to the war (unless necessary defence) absolutely depending on the rules to be given by the government of Great Britain, until further powers or instructions from thence, no measures can reasonably be taken. We are yet wholly ignorant of the ends to be attained; and to consult of that which is altogether unknown to us, seems a very unintelligible proposition.

That this house has taken care for the necessary defence of our frontiers, as far as our unhappy and impoverished circumstances will allow; since the friendship of the Five Nations is of such consequence to the frontier governments, we hope they will not be wanting to themselves in taking effectual means to preserve it."

October 20. The Lieutenant-Governor called a joint meeting of the two houses, and delivered a speech in which he said that the subject of the negotiations at Newport had been under consideration by the Council, and they

"are of opinion thereon, and upon her Majesty's instructions to Col. Vetch, and her letter to the Governor of this Province on the expedition, that it is proper for me to be present at the Congress at Rhode Island, though they do not think themselves directed thereby, to go out of the Province, I am very willing to go thither, since it is thought her Majesty's service requires it, and that I may be enabled to prosecute any intentions, I have required your attendance at this time, both to inform you thereof, and to recommend to you the providing a suitable sum of money, to defray my expenses, which I hope will meet with a speedy compliance from you."

The Assembly, resuming its separate session, adopted a resolution declaring "that this House not being able to discover the just reasons which induce his Honor to go to Rhode Island at this time, cannot think it fit, to interest themselves so far in the consequences that may attend it, as to raise any money for that purpose."

October 22. Transmitting two letters from Lord Sunderland to the late Governor Lovelace "importing that the designed expedition on Canada is laid aside,"[1] and also a communication containing the votes and address of the congress of Governors at Rehoboth.

November 10. Transmitting a petition from Robert Milward relative to his salary as a justice of the supreme court.

November 12. Presenting a proposed address to the Queen, which was approved.

November 12. The Assembly was adjourned to the first Tuesday in March, 1710, and by subsequent adjournments was continued to April 14. But it did not meet at that time and never met again. It apparently ceased to exist by reason of a failure to adjourn. The expected arrival of Governor Hunter, who had been appointed in the previous October, was probably a sufficient reason for permitting this indirect dissolution of the Assembly. It was the usual custom for the Governor on his accession to call a new Assembly. The Council minutes do not show a formal dissolution of the Assembly, but the record for June 20, 1710, shows that the subject of an Assembly was considered, and the Council at that time expressed the opinion that the first of September was the "properest" time for the Assembly to meet.

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[1] An act, chap. 209, was passed November 12, 1709, authorizing bills of credit to reimburse several persons for expenses incurred by them in the expedition to Canada.

ROBERT HUNTER, Governor.

Robert Hunter, who had previously held the office of Governor of Virginia, was appointed Governor of New York by a commission bearing date October 19, 1709, and was also appointed Governor of New Jersey. He arrived in New York, June 14, 1710. On the accession of George I. Governor Hunter received a new commission bearing date March 17, 1715.

It seems, though the Council minutes are not explicit on this point, that on the 20th of June, 1710, it was determined to call a new Assembly to meet on the first of September. The Assembly met on that day, and after it had been organized in the usual manner, Governor Hunter delivered the following

OPENING SPEECH.

GENTLEMEN.— It is with some concern that I speak to this House from a place of this eminence, being unfeignedly conscious to myself of my own unworthiness and how unequal I am to so great a trust, but deriving that honor from the best fountain from whence it has ever flowed, least I also should too hastily blame her choice, I make no other use of that humbling reflection than as a continued motive to double my endeavors for the public welfare in the proportion that I fall short in rank and dignity of those illustrious persons who have borne this office before me, which is doing her Majesty most effectual service her own way.

I shall trouble you no more with what relates to myself. As to what relates to you, I am confident that what I have to recommend wants neither arts nor arguments to enforce, it being only your duty, your interest and common justice; that is, to provide a suitable support for her Majesty's

government, to take more effectual care of the public safety, and to restore the public credit in a great measure lost. As to the first of these I am commanded by her Majesty in a very particular manner to recommend to you the settling such a revenue, and for such a term, as you yourselves who are the most competent judges shall think sufficient to answer the ends.

In relation to the present state of the public safety, I must beg your patience whilst I acquaint you with the dismal view I have lately had of our danger whilst I was upon the frontiers.

I received there two pressing letters from the Governor of New England at the instance of that Assembly, seconded by the court of officers there, representing the cruelties and barbarities daily committed by the French and French Indians upon their frontiers, though guarded by five hundred armed men, whilst he was raising one thousand for her Majesty's immediate service, and begging that I would persuade our Indians who are in league with all her Majesty's subjects, to make a diversion by incursions and reprisals upon those in the French interest. Then it was that I found that had it been judged advisable by the commissioners of the Indian affairs, the only persons I had to advise withal, or had the Indians consented to comply with the desires of the government of New England, it was so far from practicable that had these incursions been made this way we were in a much worse condition than they to prevent a general devastation that must have ensued, there being neither money in the treasury, nor forts, or what is worse than none, no arms or men for our defence, so that we are forced to rest contented with a precarious security under a suspicious neutrality that hath no firmer foundation than the faith of savages, whilst our neighbors' frontiers are on fire and the inhabitants inhumanely butchered.

This considered I hope I need not recommend to you what you must be convinced is so absolutely necessary, that

immediate care be taken so to put those forts in repair or build others in more convenient places,[1] that the militia act, which is immediately to expire by its own limitation, be renewed,[2] and what besides you shall judge necessary for your own safety. As to restoring the public credit, I shall beg leave only to observe to you that public debts are no other than the just demands of private men, so that you all are or may be in some measure concerned in them, and as in private persons punctual payment is not only a good sign, but sure means of thriving, I believe the analogy will hold pretty just with relation to the state.

Her Majesty has commanded me to recommend to you the passing of several laws, some of which have been heretofore enacted, but being temporary are now expired; particularly one to prevent the burning of woods, which is of very evident necessity at this time, she having sent hither under my care a great number of distressed Germans to be employed here in the production of naval stores, which must in time prove a great addition of wealth and strength to this province;[3] as also an act whereby the creditors of persons becoming bankrupt in Great Britain and having estates in this Province may be relieved and satisfied for such debts. This is but what is just and honest and what nearly concerns your reputation, there lying a general imputation upon the Provinces in America of protecting bankrupts from the just demands of their creditors; let us wash ourselves clean of it by such a law.

It has been a practice formerly in this and other plantations to make large presents to their Governors by a law for that purpose which was attended with many inconveni-

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1 By an act, chap. 220, passed November 25th, provision was made for repairing the forts at Albany and Schenectady.

2 The militia law was revived by an act, chap. 213, passed October 30th.

3 A law prohibiting the burning of woods was passed November 25th, chap. 219, applicable only in the counties of Suffolk, Queens, and Kings, and in the city and county of New York.

ences; her Majesty has commanded me to let you know that no law of that nature is to be passed for the future.

For my own part I shall always be ready to advise and cheerfully to concur with you in whatsoever measures may be thought necessary for promoting the public good, true religion and virtuous life, which is the ultimate end of all government. You have but one common interest and consequently ought to be of one mind; if any go about to disturb your peace by reviving buried parties and piques, or creating new ones, they shall meet with no countenance or encouragement from me, and I am sure they deserve as little from you.

SPECIAL MESSAGES.

September 9. Thanking the Assembly for its address.

September 11. Transmitting an order of the Queen repealing an act for regulating and establishing fees, passed May 24, 1709; an act to relieve this colony from divers irregularities and extortions, passed the 6th of October, 1708; an act to enable the mayor, aldermen and commonalty of the city of New York to raise six hundred pounds in two years for the uses therein mentioned, passed October 6, 1708; communicating the Queen's instruction directing the Governor "to regulate and settle the fees with the advice of the Council," and informing the Assembly that the Council would prepare an ordinance relating to fees; and presenting a statement of the expense incurred by officers who came from Canada with a flag of truce.

September 14. Presenting a claim of Captain Higby for compensation for the services of himself and company at Albany.

September 26. Recommending the revival of the post-office act.

October 20. Presenting an ordinance relating to fees.

October 27. Transmitting a letter relative to repairing the fortifications at Schenectady, and a report from the

Commissioners of Indian Affairs at Albany, relating to a smith to be continued in the Oneida's country, and what tools will be requisite to supply him for that purpose.

October 28. For the purpose of preventing the passage by the Assembly of a bill proposing to "raise twenty five hundred ounces of plate toward the Governor's necessary expense for a year," the Governor communicated to the Assembly the provision in his instructions prohibiting presents to the Governor and other public officers.

November 11. At a joint meeting of the Assembly and Council the Governor delivered a speech, and presented a letter from the Queen relative to the late Governor Lovelace, showing that the day before the Governor died the Assembly voted to pay Lord Lovelace, or his executors or administrators, sixteen hundred pounds, but afterwards reduced the amount to five hundred pounds, and that eight hundred pounds had been voted by the New Jersey Assembly; that Lord Lovelace had incurred an expense amounting to at least four thousand pounds in connection with his voyage to New York and his assumption of the office of Governor, and that he had received not to exceed four hundred pounds; that the widow had been left in straitened circumstances, and had presented a petition to the Queen requesting her aid in securing an allowance from the two colonies. Continuing the Queen said she had considered the petition of Lady Lovelace, and her "great affliction, losses and distressed condition," and was graciously pleased to condescend to her request," and the Governor was thereupon directed to "intimate" to the Assembly that in consideration of the expenses incurred by Lord Lovelace, the Queen thought it "highly reasonable" that the Assembly should grant sixteen hundred pounds to his widow, "which they at first intended, and which is apparent they designed for the support of herself and her family, since they voted the same the very day before his death, when he was believed to be past recovery," and that their

speedy compliance with the Queen's request would be highly acceptable and satisfactory.

In the same speech the Governor reminded the Assembly of the benefits that would probably result from the proposed settlement of the Palatines in the Province, which he said would be an addition to its wealth and strength; that they were to be settled at the Queen's expense and would be employed in a manufacture of infinite advantage to the colony, and the Governor communicated to the Assembly a recommendation by the Lords of Trade that the Palatines on their arrival in the Province be immediately naturalized without fee or reward.[4]

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[4] The transportation of Palatines to New York had already been under consideration for some time by the home government. Col. Hunter, in a letter to the Lords of Trade, dated at London, November 30, 1709, soon after he was appointed Governor and before coming to New York, referred to the migration of the Palatines, and estimated the number at three thousand. He said they were to be employed in the production of naval stores, and he requested directions as to the best place for locating the new colonists.

The Lords of Trade, in a report on this subject, dated December 5, 1709, (Col. Doc. Vol. 5, p. 117) say that the "Province of New York being the most advanced frontier of your Majesty's plantations on the Continent of America, the defence and preservation of that place is of the utmost importance to the security of all the rest; and if the said Palatines were seated there they would be an additional strength and security to that Province, not only with regard to the French of Canada, but against any insurrection of the scattered nations of Indians upon that Continent." The report further states that the most proper places for settling the Palatines are on the Mohawk River and on Hudson River, "where are very great numbers of pines fit for production of turpentine and tar, out of which rosin and pitch are made." Referring to the objection that the falls at Cohoes might be an interruption to water carriage on the Mohawk, the report states that the falls might be avoided by a short land carriage of not more than three miles, and therefore that they should not be deemed a hindrance to settling the Palatines on that River. The report recites the recent revocation of extensive land grants in the Province, by which the Crown had resumed title to large tracts, which had thereby become available for the Palatines. The report recommends a free grant of forty acres of land to each family, after they shall have repaid out of the produce of their labor, the expense of settling them in the Province. such grants to contain a provision for forfeiture if the grantees should engage in woolen manufacture on the granted lands.

Governor Hunter, in a letter to the Lords of Trade, dated November 14, 1710 (Col. Doc. Vol. 5, p. 117), said the Palatines had been settled about

The Governor also said the forts at Albany and Schenectady were so badly out of repair as to be unfit for use by the troops that winter. (See note 1.)

November 16. Communicating a letter from the Earl of Dartmouth, Secretary of State, relative to a proposed expedition to Canada.

November 25. The two Houses being in joint meeting, the Governor announced the disposition of certain bills, and delivered the following speech:

"I have waited with great patience, hoping that at last some temper might have been found, by means of which her Majesty's government here might have found its necessary support, and some other matters recommended to you by her might have met with returns in some measure proportioned to so matchless goodness; but being disappointed in my hopes, the season far advanced, and many of your members gone home, I have thought fit to prorogue you to the first day of March next; and you are prorogued accordingly to the first day of March next; by which time, second thoughts and better acquaintance may perhaps create a better disposition."

The Assembly was continued by other prorogations to April 5, 1711.

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one hundred miles up the Hudson, in five villages, three on the east side on lands purchased of Mr. Robert Livingston, and two on the west side, near Sawyer's Creek. Governor Hunter reported a serious mortality among the Palatines on their voyage and soon after their arrival, and, according to a report by the Lords of Trade, dated February 8, 1711, 2,227 were settled in the villages on the Hudson.

Governor Hunter, in a letter to the Lords of Trade, dated October 31, 1712 (Col. Doc. Vol. 5, p. 347), said that "some hundreds" of the Palatines had gone to Schoharie. It appears from official correspondence of the period, which may be found in volume five of the Colonial Documents, that the project of employing the Palatines in the production of naval stores was soon abandoned, though a hundred thousand pine trees had been cut for this purpose.

The proposed naturalization law was not passed.

1711. APRIL. THIRTEENTH ASSEMBLY, SECOND SESSION.

ROBERT HUNTER, Governor.

The Assembly met April 5th, and on the 12th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I hope you are now come with a disposition to answer the ends of your meeting, that is, to provide a suitable support for her Majesty's government here in the manner she has been pleased to direct, to find out means to restore the public credit, and to provide better for your own security.

They abuse you who tell you that you are hardly dealt by in the augmentation of salaries. Her Majesty's instruction, which I communicated to you at our last meeting, might have convinced you that it was her tenderness towards her subjects in the plantations, who suffered under an established custom of making considerable presents to their Governors by acts of Assembly, that induced her to allot to each of them such a salary as she judged sufficient for their support in their respective stations, with a strict prohibition of all such presents for the future, which instruction has met with a cheerful and grateful compliance in all her other colonies.

If you have been in anything distinguished, it is by an extraordinary measure of her royal bounty and care; I hope you will make suitable returns, lest some insinuations, much repeated of late years, should gain credit at last, that however your resentment has fallen upon the Governors, it is the government you dislike.

It is necessary at this time that you be told also that giving money for support of government, and disposing of

it at your pleasure, is the same with giving none at all. Her Majesty is the sole judge of the merits of her servants. It is a right which has never yet been disputed at home, and should I consent to give it up abroad, I should render myself unworthy not only of the trust reposed in me, but of the society of my fellow subjects, by incurring her highest displeasure.

If I have tired you with a long speech, I shall make amends by putting you to the trouble of a very short answer.

Will you support her Majesty's government in the means she has been pleased to direct, or are you resolved that burthen shall lie still upon the governor, who cannot accuse himself of anything that may have deserved this treatment at your hands?

Will you take care of the debts of the government, or to increase my sufferings, must I continue under the torture of the daily cries of such as have just demands upon you and are in misery without the power of giving them any hopes of relief?

Will you take more effectual care of your own safety in that of your frontiers, or are you resolved for the future to rely upon the security of an open winter and the caprice of your savage neighbors?

I shall be sorry if this plainness offends you. I judged it necessary toward the establishing and cultivating a good understanding betwixt us, and I hope it will be so construed and wish heartily it may have that effect.

SPECIAL MESSAGES.

April 13. The question which had arisen near the close of Governor Cornbury's administration, as to his power while in New Jersey to make orders affecting New York, was revived at this session. Governor Hunter, on the 3d of February, 1711, while at Burlington, New Jersey, had

issued a proclamation proroguing the New York Assembly to the third of April. On the 13th the Assembly appointed a committee to wait on the Governor and request him to communicate to the Assembly "that part of his instructions relating to his exercising the powers of government here, when his Excellency is out of the colony."

On the 18th the Governor sent to the Assembly an extract from a letter received by him from the Lords of Trade, dated December 23, 1709, in which they said the opinion that the Governor could not make orders for New York while in New Jersey, or *vice versa,* was "groundless and unreasonable," "the contrary being practised every day here, by the Lords Lieutenants of counties and particularly by the Lords Lieutenants of Ireland, who frequently send orders into Ireland, whilst they are residents of this Kingdom." (Col. Doc. Vol. 5, p. 155.)

On the 19th the Assembly, by a vote of twelve to five, determined that it had no power to act under the New Jersey prorogation.

April 20. The Governor dissolved the Assembly.

No acts were passed at this session.

1711. JULY. FOURTEENTH ASSEMBLY, FIRST SESSION.

ROBERT HUNTER, Governor.

This Assembly was called to meet June 20, but before that day it was prorogued to the second of July, at which time the Assembly was organized, and the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— What I have chiefly to impart and recommend to you at this time is the expedition her Majesty has

undertaken against the common enemy in these parts for asserting her just rights and procuring a solid and lasting security amongst other blessings to her good subjects on this Continent and their posterity as it is most pathetically set forth in the preamble of her royal instructions for that purpose, which I am commanded to communicate to you.

I am far from entertaining the least doubt of your ready compliance with what is expected on your part on this occasion. Her Majesty's honor and your interest inseparable from her's, being the prize you contend for, I must only with all earnestness recommend dispatch, upon which the whole design seems now to depend, the fleet and forces being already arrived at Boston in good condition and health, completely furnished with all things necessary for so great and glorious an enterprise, and wait for nothing but the expediting of what is necessary and required on your part.

According to the repartition of the land force appointed to act on this side under the command of General Nicholson, agreed upon in the council of war assembly at New London by her Majesty's order, your quota amounts to six hundred private sentinels besides officers, as you will observe by this schedule marked (A).[1]

Besides the necessary provisions for that number, it will be requisite that you find ways and means for their pay

[1] An act, chap. 224, passed July 11, provided for raising six hundred men, besides officers, for the expedition to Canada, and an act, chap. 227, passed July 26th, appropriated ten thousand pounds to pay the men who served in the expedition. Another act, chap. 228, passed the same day, authorized a bounty of six pounds each to not more than fifty-two volunteers in New York, and three pounds each to forty-seven volunteers in Albany, the bounties to be a charge against the respective cities, and to be in addition to any other compensation provided by law. Special provision was made for the defence of the Province during the expedition by an act, chap. 233, passed August 4th, which required the erection of two beacons at the Narrows, one on each side, and one at Rockaway, with a great gun, and also sentinels constantly on guard at each beacon. All able bodied men, with a few exceptions, were required to list themselves and be prepared for instant service.

and that of their field, staff and other officers, for building a sufficient number of battoes, for transporting them and their provisions, for subsisting the Indians of the Five Nations and river Indians, for paying and subsisting those of Long Island who were found to be of great use in the last attempt of this kind, for the twelve pence per day augmentation of the lieutenants' pay sent hither, as her Majesty has directed, and for such other contingent charges as must arise upon such occasions and you yourselves shall judge requisite.

By the invoice marked (B) you will be made acquainted with her Majesty's signal bounty in arming, clothing and equipping the forces to be raised by you, and furnishing very considerable stores of war for this undertaking, all which are arrived at Boston, and what is destined for us expected here every moment.

There is one thing that would contribute much toward the redeeming of time which is all that can be thought of which may be wanting on this occasion, that is, the entering forthwith upon resolves, if you so please, for the encouragement of volunteers, an act for that purpose being of such a nature as may require time, during which upon the credit of your votes the levies may proceed. One thing more is necessary, that you state the prices of provisions and other requisites by a resolve of your House, to prevent extravagant demands at this time.[2]

When you have gone through what is requisite for this important service, I must recommend to you the support of government, the public debts, and the care of your frontiers, all which very much require your consideration at this time.

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2 An act, chap. 225, passed July 26th, appointed commissioners to procure provisions and other necessaries for the expedition to Canada, and fixed the price of such provisions.

SPECIAL MESSAGES.

July 23. Recommending the employment of armed sloops to cruise on this coast, the men of war on this station having been ordered to go on the expedition to Canada.

July 26. Relating to an unlawful seizure of goods by one of the customs officers.

July 26. Recommending that the transports used in conveying goods for the expedition to Canada be exempted from tonnage duty. The Assembly adopted a resolution accordingly.

July 26. Approving two addresses to the Queen.

July 28. Recommending the construction of "battoes" for transportation of the quota of stores raised in this Province for the expedition, also recommending a bill providing for the enlistment of recruits for the expedition, and presenting a scheme for the security and defence of the Province during the expedition.

August 1. From the Council, recommending a bill for the effectual punishment of mutiny, desertion and disobedience in any of the troops raised for the present expedition against Canada, and the militia of this Province during the said expedition; to which the Assembly replied that it was content with existing laws on this subject.

August 4. After announcing his approval of certain bills, the Governor prorogued the Assembly to September 10th, at the same time expressing his thanks "in her Majesty's name" for the assistance rendered in the expedition to Canada, and expressing the hope that the Assembly would meet in September "with a cheerful disposition to take effectual care of what has been so long under deliberation, and what so nearly concerns the Province, that is, "the support of government, the public debts, and the security of the frontiers."

1711. OCTOBER. FOURTEENTH ASSEMBLY, SECOND SESSION.

ROBERT HUNTER, Governor.

The Assembly had been prorogued to the 10th of September, but no business was done until the second of October, at which time the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— Though your meetings have been frequent, I find with unspeakable sorrow the occasions for them multiply. The miscarriage of that great, that well-concerted enterprise, the chief advantage of which was to redound to you — to her Majesty only the glory and pleasure of having purchased for you at a very dear rate a lasting tranquility — this fatal miscarriage, I say, calls loud for your utmost application at this time to obviate the designs of an enemy animated by our ill success and prompted by revenge, who without doubt will speedily make some attempt upon her Majesty's subjects where they find them most unprovided.

For this cause I must now again with all the earnestness imaginable intreat you to take into your thoughts the present state of her Majesty's government here, which hitherto hath had no support, that the officers thereof may be enabled with cheerful hearts and ready hands to undertake what may be necessary for our common defence.

That you would also consider and find a speedy remedy for the woeful state of your frontiers at Albany and Schenectady, of which these letters from the mayor and corporation of Albany and the commissioners of Indian affairs will sufficiently inform you. For this purpose I believe you will judge it necessary to continue in pay during this winter two hundred men at least of the troops raised

by this Province for strengthening those garrisons, and to find means to repair those forts which at present are in ruins.[1]

I must also put you in mind that the militia act will quickly expire by its own limitation, and so want a continuation by another.[2]

The debts of the government cry so loud that I am confident there is nobody here who has not been sometimes moved with a generous compassion for those who suffer under them.

Find out remedies for those evils, and the best of princes will thank you, your enemies fear you, your fellow subjects applaud your, your posterity bless you, and I with all the efforts of my life endeavor to serve you.

SPECIAL MESSAGES.

October 3. Concurring with the Assembly in the opinion that the sentinels at the beacons be "discharged from their attendance, the reason of their being posted there, seeming to be ceased."

October 5. Transmitting letters from Lieutenant-General Nicholson and Col. Schuyler relative to the expedition to Canada; informing the Assembly that it would be necessary for the Governor to go to Albany the next day, and recommending that immediate action be taken in relation to the fortifications at Albany and Schenectady, "and retaining the number of men proposed for the defence of the frontiers." The Assembly adopted resolutions the same day recommending that the fortifications at Albany and Schenectady be repaired, and that one hundred and

[1] Provision was made by an act, chap. 238, passed November 24th, for repairing the fortifications at Albany and Schenectady, and for the maintenance of one hundred and fifty men for service on the frontier during the coming winter.

[2] The militia law was revived by an act, chap 235, passed November 24th.

fifty men be retained for service on the frontier. (See note 1.)

October 6. Desiring the Assembly to adopt measures for the protection of the powder magazine at Fort Anne.

October 23. The Governor informed the Assembly that on his arrival at Albany he had disbanded the forces raised to serve in the expedition against Canada, "retaining in pay one hundred and fifty men, or near that number, for the defence of the frontiers;" some of whom had since deserted, and that he would complete the number out of the Palatines; that he had given directions for repairing the fortifications at Albany and Schenectady. He also informed the Assembly that pursuant to her Majesty's commands, he had contracted for the building two forts with a chapel in each in the Indian country, with accommodations for missionaries, the expense of which would be paid by the Queen. The Governor also transmitted an account presented by the Governor of Connecticut for the expense incurred by him in procuring twenty-eight Indians above the quota.

October 26. Transmitting a letter from Albany relative to conditions on the frontier.

November 2. Submitting to the Assembly a petition of David Provoost "concerning the dispute between him and the De Peysters."

November 3. Advising the Assembly that he had sent one hundred Palatines to Albany to complete the detachment there, that "near three hundred Palatines were employed in the late expedition, one hundred were in the country's service, and the rest incorporated in the regular forces," and requesting the opinion of the Assembly as to the disposal of two hundred and eighty-two pounds of bounty money on hand. The Assembly adopted a resolution "that the bounty money allowed to the volunteers on the late disappointed expedition," should be paid to those only who served in the troops paid by this colony.

November 8. Recommending that special provision be made for the compensation of British Lieutenants in the late expedition.[3]

November 9. Presenting an address to the Queen, which was approved and signed.

November 10. Transmitting various documents relating to the late expedition, and also the Queen's instruction relating to the quotas of the neighboring Provinces, and money for building the forts at Albany and Schenectady, and for the repartition of men for the defence of the frontiers of this Province in case they be invaded by the enemy. He also presented a communication from the Commissioners at Albany and a paper from the Senecas recommending the revival of the law prohibiting the sale or giving of strong liquors to the Indians.[4]

November 16. From the Council, asserting its right to amend money bills. The subject will be considered again in notes on the Fourteenth Assembly, Third Session (May, 1712). (See post, p. 162.)

November 17. Responding to the communication from the Assembly, suggesting the propriety of an adjournment "in regard the cold season of the year is advanced, and several of the members necessitated to depart to their habitations," the Governor said that as soon as certain bills could be disposed of, the Assembly would be prorogued to the next spring.

November 22. Transmitting various communications concerning affairs on the frontier and particularly relating to conditions which might result from engaging the Five Nations of Indians in actual war with the French, and requesting the opinion of the Assembly as to the proper course to be pursued by the Governor.

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[3] An act for the compensation of British officers, chap. 246, was passed June 26, 1712.

[4] This law was revived by an act, chap. 239, passed November 24th, which prohibited the selling or giving of liquor to Indians in Albany county.

Replying to this request the Assembly said it was not an independent part of the government, and found much "difficulty in coming to any absolute determination, as well from arguments of right, as conveniency and utility. They have never yet undertaken any offensive war, but in compliance with the orders of superiors, who had indisputable right so to do, for what relates to self preservation and defence, they think themselves justified both by the law of nature and the nation." The Assembly further said that if the Governor should enter a congress with the Governors of other Provinces, he could not be deemed to represent the Province because not chosen by it, but his presence in the Congress "might give a color, but no right, to oblige or charge this Colony by any agreement whatsoever made there. If it should be agreed, that they have a right to make an offensive war, this colony ought never to come into any confederacy, without being allowed a negative in all conclusions to be made, they being the best judges of their own abilities and strength, the want of which in other undertakings, this colony has felt to their loss and smart." Denying again the Council's right to amend money bills, the Assembly concluded by suggesting that the season was so far advanced that nothing could be done that year, and that the whole matter should be postponed until the following spring.

November 24. The Assembly was adjourned to the first Thursday in April, 1712.

1712. MAY. FOURTEENTH ASSEMBLY, THIRD SESSION.

ROBERT HUNTER, Governor.

The Assembly had been adjourned to the first Thursday of April, 1712, but was continued by other adjournments to the 30th, when the business of the session was begun. The next day, May 1, the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I can never persuade myself that you have any real pleasure in hearing the daily cries and complaints of the officers of the government and others who have just demands upon it, whilst the remedy is so much in your power, and yet it seems strange that during the space of two years that I have had the honor to be at the head of it, in a very active time and consequently of great expenses, there has not been one farthing given towards its support; for what bills have been offered for that purpose have either been so deficient or clogged with such clauses and circumstances as made it impossible for the council to pass them without an apparent breach of her Majesty's instructions, which are the constant and fixed rules of their and my proceedings, whatsoever weight they may bear with you. And when they have as it was their duty amended them, you have as often resolved not to admit of such amendments upon a very ill-grounded pretence that the Council had no right to amend money bills.[1] I have sufficient warrant to affirm that pretence to be ill-grounded from this paragraph in the Lords Commissioners of Trades letter to me of the 13th of November last in these words "as to the Assembly's pretence that the Council cannot amend a money bill, it is groundless and will not be allowed of here; the Coun-

[1] See post p. 162 for note on money bills.

cil having an equal right with them in granting of money, there being nothing in her Majesty's commission to you under the Great Seal of the Kingdom to the contrary, by virtue of which commission they only sit as an Assembly, and therefore you will do well to acquaint them herewith that they no longer insist upon what is so ill-grounded."

In the next place I am to put you in mind of the danger on your frontiers, which you will sufficiently understand by this representation from the people there.[2] Two forts now a building in the Indian countries must be garrisoned forthwith by her Majesty's troops in this Province, and these letters from the Governor of Bermudas, as well as other good advices which I have received, will convince you of the necessity I lie under of calling for one more of the independent companies from Albany for the security of this place, not being very sure upon what parts this storm is to break, it being also more than probable that the effort will be made where they judge we are least prepared to receive them. This I think sufficient to convince you of the necessity of raising a force proportioned to the present exigency.

If I may prevail with you at this time to lay aside all animosities and needless disputes, and heartily to take into your consideration what so nearly concerns your peace and welfare and that of your posterity, I have my wish; if not, I must rest satisfied with the comfort of having done my duty in admonishing you, and the testimony of a good conscience, for what have I neglected within the compass of my power by night or day for your service, and whose ox or whose ass have I taken?

SPECIAL MESSAGES.

May 7. Transmitting a letter from the Earl of Dartmouth, Secretary of State, informing the Governor that the

2 An act, chap. 247, passed June 26, appropriated fifteen hundred ounces of plate for securing the frontiers about Albany.

stores in his hands remaining from the expedition to Canada should be kept in the colony for the public service. The Governor recommended the immediate repair of magazines and the fort wall, "that some good law be passed, for putting slaves under a better regulation, and to encourage the importation of white servants."

May 10. Transmitting a report from the Commissioners of Indian Affairs at Albany.

May 10. Proroguing the Assembly to the 13th inst.

May 16. Recommending the enactment of an explanatory militia law.

May 31. Thanking the Assembly for an address, and expressing his intention to use all his powers for the "safety and ease" of the people.

June 12. Transmitting a communication from justices of the peace of Albany, requesting the revival of the law prohibiting the selling or giving intoxicating liquors to the Indians.[3]

June 13. Transmitting letters from the Commisioners of Indian Affairs at Albany, from which it appeared that the French were using all possible endeavors to bring the Five Nations to their interest, and recommending that messengers be sent to the Indians to "undeceive them of the ill impressions they have received from the French, and engage them to a firm adherence to their covenants and promises to this government," and also that provision be immediately made for a suitable present to the Indians.

June 16. Communicating information relating to a proposed Indian raid against the settlements along Hudson River.

June 19. Advising the Assembly that upon disposing of pending business, the Assembly would be adjourned until after harvest.

[3] This request was granted by an act, chap. 244, passed June 26th, which revived not only the act prohibiting the selling or giving intoxicating liquors to Indians, but also the act "for the better watching and guarding of the city of Albany."

June 24. Transmitting letters from Albany relative to the movements of the Indians.

June 26. The Assembly was prorogued to July 17.

MONEY BILLS.

The controversy over the question whether the Council had power to amend money bills had its origin in a resolution adopted by the Assembly, June 10, 1704, "that it is inconvenient for this House, to admit of any amendment made by the Council to a money bill." This proposition was asserted again by the Assembly on the 4th of November, 1704.

November 6, 1704, Governor Cornbury, in a letter to the home government (Col. Doc. vol. 4, p. 1121), quoted the resolution adopted by the Assembly relative to money bills, and said the Assembly seemed to think themselves equal to the House of Commons, "and that they are entitled to all the same powers and privileges, that a House of Commons in England enjoys," even to the exclusive control of money bills. The Lords of Trade, in their reply, dated March 26, 1705 (Col. Doc. vol. 4, p. 1139), say they "conceive no reason why the Council should not have the right to amend all bills sent to them by the Assembly, even those relating to money."

Governor Cornbury referred to the subject again in a letter to the Lords of Trade dated July 15, 1705 (Col. Doc. vol. 4, p. 1150), and on the 26th of the same month communicated to the Assembly the opinion expressed by the Lords of Trade in their letter of the preceding March. The subject was again considered by the Lords of Trade in a letter to Governor Cornbury, dated February 4, 1706 (Col. Doc. vol. 4, p. 1171), in which they say "the Council has undoubtedly as much to do in the forming of bills for granting and raising of money as the Assembly. In other her Majesty's plantations, the Assemblies do not pretend to the sole right of framing money bills." "No Assembly in the Plantations ought to pretend to all the privileges of the House of Commons in England, which will be no more allowed them, than it would be to the Council if they should pretend to all the privileges of the House of Lords here." The substance of this opinion was stated by Governor Cornbury in his speech at the opening of the Assembly, September 27, 1706.

The controversy was renewed in November, 1711, at which time the Assembly again asserted its exclusive right to control money bills. The Council denied this right and claimed equal power over money bills as well as on all other subjects of legislation. The Lords of Trade, in a letter to Governor Hunter, dated November 13, 1711 (Col. Doc. vol. 5, p. 285), again expressed themselves on the question, saying that "as to the Assembly's pretence, that the Council cannot amend a money bill, it is groundless and will not be allowed of here, the Council having an equal right with them in granting of money, there being nothing in her Majesty's commission to you, under the great seal of this Kingdom to the contrary, by virtue of which commission they only sit as an Assembly, and therefore you will do well to acquaint them herewith, that they may no longer insist upon what is so ill

grounded." Governor Hunter quoted this opinion in his speech at the opening of the Assembly, May 1, 1712. This opinion was repeated by the Lords of Trade in a letter to the Governor, dated June 12, 1712 (Col. Doc. vol. 5, p. 333), which letter was communicated to the Assembly by the Governor on the 22d of October following.

The Assembly's attitude on this question was again asserted on the 30th of October and the 14th of November, 1712, when, in response to a request by the Council for a conference on a money bill, it was resolved that "this house cannot agree to a conference with the Council, on the subject matter of amendments to a money bill."

1712. AUGUST. FOURTEENTH ASSEMBLY, FOURTH SESSION.

ROBERT HUNTER, Governor.

The Assembly had been prorogued to July 17, but was continued by other prorogations to the 25th of August. On the 17th of September the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I flatter myself that this session may put an end to all disputes or misunderstandings that have fallen out between the several parts of the legislature of this Colony, the more because the contending parties about the revenue for support of government seem agreed as to the necessity of settling such a revenue, and to differ only about the measures and means. The reason given for the extraordinary caution in the proceedings relating to that matter, and which I assure you have had due weight with me, are former misapplications of public funds, by which means private persons are deprived of their due, and the Province loaded with unnecessary debts. I wish from my heart it were as easy a matter to find a remedy for past miscarriages as I am confident it is to assign one for effectually preventing the like for the future; which last I now offer you, and make no doubt of your acceptance of it, it being sufficient for the end proposed, and indeed the only

one in my power, Her Majesty's royal instructions to me containing the following command, "You are not to suffer any public money whatsoever to be issued or disposed of otherwise than by warrant under your hand, by and with the advice and consent of our said Council, but the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them, which you are to signify to them as there shall be occasion;" which is but the repetition of a clause in my patent.

The expedient I propose is contained in the following heads:

It may be enacted in the bill or bills for settling a revenue that the receiver general, who has a patent under the broad seal who has given security in England, and shall if demanded give the same within the colony for the due execution of his office, be obliged at the expiration of every three months or upon every quarter day, to lay before the Governor and Council an account of the money by him received for that use during that time.

That every quarter day all persons who have been during the preceding three months employed in the service of the government, deliver in their accounts of service, money or goods so employed, which being examined and allowed by the Governor and Council, an account may be stated from thence of the demands on that quarter's revenue.

That if the revenue for that quarter amounts to a sum sufficient for that demand, then the Governor with the consent of the Council may issue his warrants for such sums on the receiver general.

If the revenue in that quarter falls short of that demand, the Governor is then to grant warrants for so much only as it does amount to.

And whensoever the revenue shall exceed the expense in that quarter, what has been left unpaid in any preceding

quarter to be paid out of that overplus by warrants then granted as formerly.

That all warrants be numbered, and the receiver general obliged to pay them in course as numbered.

And for the more effectual preventing the issue of any warrants for more money than there may be in the receiver's hands at the expiration of every quarter, it may be enacted that it be expressed in each warrant that such sum be payable out of such other sum, being the amount of the revenue for such a quarter.

No warrants to be issued until such time as the receiver general shall have laid before the Governor and Council an account of the revenue by him received that quarter, that he be obliged to pay all such warrants as shall be drawn for that sum in their course within a certain number of days if demanded, and upon his refusal or noncompliance, the person or persons having such warrants to have an action of debt against him for the same.

That the receiver general be obliged to lay before the Assembly when setting and requiring the same, an account of the revenue received and of the warrants paid by him, that all persons demanding the same may at the office hours have recourse to his books of accounts of the revenue.

By these means the only material objection being removed, I can hardly be induced to believe that you will any longer defer the doing of what is so absolutely necessary and what her Majesty most assuredly expects from you, or that you can expect from me what I cannot do without incurring her highest displeasure, the heavy penalty annexed to the breach of her instructions, not being able upon the nicest scrutiny to accuse myself of any one action or thought which has not been intended for her Majesty's service and the general good and quiet of this colony, which I propose steadfastly to pursue, and shall be always ready your advice in the pursuit thereof.

I am further to acquaint you that your frontiers never more required your care than at this present, as you will sufficiently understand by those letters and papers which I must recommend to your perusal.[1]

SPECIAL MESSAGES.

September 27. Transmitting a petition by the recorder and aldermen of New York, recommending that provision be made for the maintenance of sixty French prisoners put on shore by Captain Elford.

September 30. Recommending legislation to enforce payment to the owners of certain slaves who had been executed for conspiracy and murder perpetrated in New York in the preceding April. Such payment had been authorized by an act passed October 30, 1708, to prevent the conspiracy of slaves.[2]

October 22. Communicating a letter by the Lords of Trade dated the 12th of the preceding June, again denying that the Assembly had exclusive power over money bills, and intimating that if the Assembly should continue its refusal to share its power with the Council, measures would be taken by the home government to assert the Queen's undoubted prerogative in the Province, and to provide for the necessary support of the government. In the same letter the Lords of Trade suggest that the action of the Assembly at the previous November session in adjourning for several months without the Governor's order, and "their naming treasurers to collect the public money, when her Majesty has appointed an officer for that purpose, are other instances of their disrespect and undutifulness to her Majesty."

1 December 10th an act, chap. 255, was passed to provide for the defence of Albany and Schenectady.

2 A new act, chap 250, was passed December 10th, relative to conspiracies by slaves. It prohibited the meeting of more than three slaves, except during the course of their service.

October 23. Transmitting a petition from Peter Schuyler praying for compensation to himself and others associated with him for services and expenses in recent negotiations with the Indians at Onondaga.[3]

October 31. In response to the Assembly's request, presented on the 28th, the Governor transmitted a copy of the letter from the Lords of Trade dated November 13, 1711, relative to colonial affairs, and which has already been considered in the note on money bills. (*Ante,* p. 162.)

November 4. Transmitting a copy of a previous communication from the Council to the Lords of Trade relative to the Assembly.

December 10. Proroguing the Assembly to March 25, 1713.

1713. MAY. FIFTEENTH ASSEMBLY, FIRST SESSION.

ROBERT HUNTER, Governor.

The Fourteenth Assembly had been prorogued to the 25th of March, 1713, but on the 3d of March, it was dissolved. The new Assembly met May 12, but no business was done until the 27th, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— You are a new Assembly, and so not accountable for the wrong steps in the former, or concerned in the vindication of them; so what I am about to say must not be otherways construed than as a caution to you that you walk not in their ways, so displeasing to her Majesty and so justly resented by her.

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[3] An act, chap. 249, passed December 10th, appropriated two hundred and fifty ounces of plate for the expenses of the mission to the Indians, including compensation to Col. Schuyler.

You are called together in order to settle a revenue for the support of her Majesty's government,[1] not to settle the government, for that is already done by the only authority upon earth that has a right to do it; so to save your time and to spare your trouble, I shall now inform you of some things that it will be needless for you to endeavor or attempt, for this, among other good reasons, that they are not within my power to grant, of which I shall be ready at any time to convince the most scrupulous amongst you when he shall desire it.

First, it will be vain for you to endeavor to lodge the money destined for the support of government in the hands of any other than the officers appointed by her Majesty for that very purpose by her commission under the great seal of England, for by the same rule and a parity of reason, you may assume to yourselves a power of nominating a person or persons for executing the office of Governor, nevertheless, if you are so resolved you may put the country to the expense of a treasurer for the custody of money raised for extraordinary uses.

In the next place, it will be fruitless to attempt to divert the course of public payments, or to put them into any other channel than that prescribed by her Majesty's letters patent and instructions, which is a warrant under the hand of the Governor, by and with the advice and consent of her Majesty's Council. That attempt will appear to all thinking men the more unreasonable after the ample security which I offered to the last Assembly against the misapplications, which offer I now renew to you as it stands in the journals of your house, and to them I refer you.

Lastly, her Majesty being the sole and undoubted judge of the services and rewards of her servants in this government, it will be as vain as it will be disrespectful, for you by making yourselves the judges to endeavor to take that right from her.

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[1] A general revenue act, chap. 259, was passed on the first of July.

Having told you what I cannot do, I shall now acquaint you with what I will readily and willingly do. I shall give my assent to all such laws as shall be presented to me for the care, quiet or advantage of this colony in general, or any of her Majesty's good subjects in it in particular, providing they do not clash with her Majesty's rights, prerogative or instructions, and that they accompany the bill for support of her Majesty's government, for without that it will be but time misspent to prepare any, except such as are of immediate and absolute necessity, for I am firmly resolved to reserve these favors for that Assembly that shall first make that dutiful and grateful return to her Majesty for her royal care and her so often repeated acts of grace and bounty which she most assuredly expects from you.

And now, Gentlemen, in order to prevent a world of trouble and needless debate, I shall take leave to propose one leading question to you: Are you resolved to submit to such rules of government as are prescribed in her Majesty's letters patent and instructions?

For preventing of groundless disputes and misunderstandings between you and her Majesty's Council, give me leave to advise a remedy which is practiced with success in other Provinces; that is, that you would be pleased to meet with them as frequently as conveniently may be, to consult and mutually advise what may be judged necessary in framing of all bills, which will prevent the necessity of amendments, and consequently all disputes relating to the right of making them.

Thus having acquainted you with what things I cannot do, and what I am willing to do, I shall not doubt but that you will readily do what is incumbent upon you, especially considering the danger of delays of which you may be well convinced by the letters of the Lords Commissioners of Trade and Plantations to me by their order communicated to the last Assembly, inserted in their journals and to which I refer you. You have still a fair opportunity to avert the

consequences which threaten you; I hope you will lay hold of it. As for my own part, having done my duty and nothing without the bounds of my duty, I wash my hands of them and leave them at the door of those who with both their hands have drawn them down. When you have under consideration (as it is impossible you should not) the crying debts of the government, I must earnestly recommend to you that of the Lady Lovelace,[2] which by her Majesty's letter to me, which you also have in your journals, you will find she has very much at heart.

SPECIAL MESSAGES.

June 1. Transmitting an "estimate of the ordinary annual charge of the government."

June 10. Recommending the consideration of the petition presented by the New York grand jury against vendues and peddlers; also transmitting a letter from Lieutenant Huddy in the Mohawk's country, relative to selling or giving rum to the Indians, and recommending the enactment of a law on that subject.

June 16. Transmitting a letter from the Commissioners of Indian Affairs relative to a proposed alliance between the Tuscororas and the Five Nations, and recommending the consideration "of the ill consequences that may attend this government in case the Indians should fall upon us, and no fund or vote of credit for the payment of any force for our own defence."

June 19. Transmitting a letter from Lawrence Claesen to the Commissioners of Indian Affairs; also a letter from such commissioners to the Governor "importing that the Five Nations have returned the belt of wampum given them not to enter into war with the Flatheads and desiring some

[2] An act for the relief of Lady Lovelace was passed December 23, 1717, chap. 347.

of the principal men of Albany may be sent to Onondaga with presents to hinder their entering into that war."

July 7. The Assembly was adjourned to the first of October.

1713. OCTOBER. FIFTEENTH ASSEMBLY, SECOND SESSION.

ROBERT HUNTER, Governor.

The Assembly met on the first of October, but did little business until the 15th, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— Your own desire of a short recess gave so abrupt a period to your last session that several bills then prepared by you could not be so finished by the Council as to receive my assent, but the bill for appropriating the excise towards the payment of the public debts being perfected, I take this opportunity, at your first meeting, to pass it;[1] that you may have one to do justice to the country who have long suffered under the want of what was justly due, so I most earnestly recommend to you, the preparing a bill or bills for that purpose, which cannot take up much of your time, the commissioners nominated by yourselves for that purpose having digested and put into an easy method all such debts whereby you are enabled to consider and ascertain them.

SPECIAL MESSAGES.

October 23. Vetoing a bill for laying a duty on the tonnage of vessels and on slaves. He objected to the terms of the bill, and said it would be of no service to the government, for it would certainly be rejected by the Queen.

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[1] An excise law, chap. 263, was passed October 15th.

October 28. Recommending the consideration of accounts presented by Hendrick Hansen for expenses incurred in recent negotiations with the Indians at Onondaga.[2]

October 30. Declining to approve a bill for paying the arrears of salaries of Assembly officers, for the reason that there was no money in the Treasury available for that purpose.

November 4. The Assembly was adjourned to the 16th of March, 1714, and by proclamation was again adjourned to the 22d of March.

2 An appropriation for Hendrick Hansen was made by an act, chap. 266, passed October 23d.

1714. MARCH. FIFTEENTH ASSEMBLY, THIRD SESSION.

ROBERT HUNTER, Governor.

The Assembly met on the 22d of March, and on the 24th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— You are now met in order to dispatch the affairs left unfinished at the close of your last session, the principal of which is the payment of the public debts. There being a law already passed appropriating a sufficient fund for that purpose, and these debts being by your commissaries of accounts ascertained and methodized, I cannot guess at the least colorable pretence for deferring it, and none but such who have a mind to declare themselves regardless of justice and the interest of their country, can obstruct or oppose it.[1]

1 An act, chap. 280, to provide for the payment of the public debt was passed September 4th.

What besides may require your consideration I shall impart to you from time to time if need be, and shall leave nothing undone on my part that may keep up a perfect good understanding between us, upon which in a great measure, the quiet and prosperity of the country depend.

RO. HUNTER.

SPECIAL MESSAGES.

June 23. Recommending the immediate consideration of measures for the support of the government.[2]

July 7. The Governor sent the following communication relative to the Indians:

"It is necessary that you be informed that the Five Nations of Indians grow uneasy, complain that they are neglected, and have of late had some general meetings, which forbode no good to this Colony; you know the old and only way to keep them in good humor, that is, by providing a certain sum to be laid out in presents to be made to them; which may be provided by a number of your House, joined with some of the Council, conversant in that sort of merchandise. They expect and beg a meeting with me, in order to take the hatchet out of their hands, as their phrase runs. You know that there is a considerable expense attends such an expedition, which I also recommend to your consideration, and so soon as you enable me, I shall attend that service, and manage the whole to the utmost of my power, for the peace and quiet of the country. This requires dispatch, because of some motions lately made among them, of making proposals to the French."[3]

July 13, 16. Transmitting various documents relative to Indian affairs.

September 4. The Assembly was adjourned to the 12th of October.

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[2] This recommendation was embodied in an act, chap. 278, passed July 6th, for the support of the government.

[3] An act, chap. 279, passed August 6th, made an appropriation for presents to the Indians, and for the Governor's expenses in going to Albany to treat with them.

1715. MAY. SIXTEENTH ASSEMBLY, FIRST SESSION.

ROBERT HUNTER, Governor.

The Fifteenth Assembly adjourned on the 4th of September, 1714, to the 12th of October, but before that day, news was received of the death of Queen Anne, which occurred on the first of August. The Assembly was deemed to have been dissolved by her death, and did not meet again after the adjournment. It should be noted, however, that the Assembly continued in session more than a month after the Queen's death, and passed several laws, some of which were approved on the 4th of September.

King George I was proclaimed in New York on the 11th of October, 1714. On the 3d of November writs of election were ordered to be issued for an Assembly to meet December 14. The Assembly was continued by prorogations to the 15th of March, 1715, when it met, but was adjourned from time to time to the 3d of May, at which time the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I have waited with some impatience for this meeting where the country might have an opportunity of making an humble tender of their duty to his Majesty, and express in words the joy of their hearts for his happy and peaceable accession to the Crown by you their representatives.[1]

It would be a crime to entertain the least suspicion that a people who share in this general but unspeakable blessing of having all that is dear, religious or civil, firmly secured to them at a time when both, by the acts of ill men, were brought into the utmost danger, should upon this occasion be wanting in the least respect to their own true in-

1 An address to the King was approved and signed on the 18th of May.

terests in grateful returns to Almighty providence, or duty to their great Deliverer.

I think it necessary to acquaint you that His Majesty has been graciously pleased to order my commissions for the government of these Provinces to be renewed, notwithstanding the malicious and unjust accusations of some men altogether strangers to me and my conduct. The softest terms that they have given to my administration is arbitrary, illegal, grievous, oppressive, unjust and destructive. Were there any color, I pronounce myself not only unfit to govern, but unworthy to live, and though God and my conscience acquit me of that foul charge, yet could I be persuaded that any part of it could gain credit in the minds of men, I would make it my humble request to his Majesty to remove me, thoroughly convinced that the best-guarded conduct and most innocent life are not proof against the malice of selfish and designing men, and something I have preserved which I value more than life, and so would not willingly lose it.

I am further to acquaint you that the Earl of Clarendon has thought fit to enter a caveat against passing the act for payment of the public debts here. What his reasons are, or what effect they may have, I know not; I shall only say that in my opinion, he of all men ought to have been silent in this case, but I cannot think that we can be so without breach of the trust reposed in us, and involving ourselves in the guilt of the sufferings of so many hundred of persons and families whose very being depends upon the passing of that act. So I hope you will in conjunction with the Council find out some speedy and effectual expedient for removing that obstacle, or any other that may be offered of the like nature; and I cannot but think it absolutely necessary that some person or persons sufficiently qualified and amply instructed by the whole legislature be immediately sent to court for that purpose.[2]

[2] An act, chap. 309, was passed July 21st, appointing an agent of the colony at the court of Great Britain, and providing for his compensation.

You are not ignorant that the duties imposed for the support of the government for this last year are upon the point of expiring, but perhaps you do not know that these duties fall much short of the sum assigned for that use by the late General Assembly. The Receiver-General's accounts of receipts and issues will make that plain to you, and indeed the sum itself is so scanty that not only officers are cramped in their salaries, but many necessary public services postponed or neglected for want of funds to answer the charges. I firmly persuade myself that you are now met with good and firm inclinations and resolution to remedy that inconveniency amongst others so prejudicial to your own safety, as well as the dignity of his Majesty's government.[3]

As for my own part, I declare that they abuse you who go about to persuade you.

SPECIAL MESSAGES.

May 17. Presenting a communication relative to a law providing for the appointment of an agent of the colony at the court of Great Britain, and making an appropriation for his compensation. (See note 2.)

June 9. Transmitting a communication from the Commissioners of Indian Affairs "with the information of Lawrence Claesen the Indian interpreter imparting that the French had lately sent considerable presents to some of the Five Nations, and settling some people among them to learn their language, which it is conceived are measures taken to alienate the Five Nations from us;" also a letter from Governor Saltonstall of Connecticut relative to the boundary line between that colony and New York.[4]

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[3] July 5th an act was passed, chap. 292, for the support of government and directing the issue of bills of credit for general purposes.

[4] An act relative to the boundary line between New York and Connecticut was passed June 25, 1719, chap. 384. It provided for commissioners and surveyors to run and ascertain the line between the two colonies, in conjunction with commissioners and surveyors to be appointed by Connecticut.

June 23. Transmitting a communication from the Commissioner of Indian Affairs at Albany, with a report by Lawrence Claesen, the Indian interpreter, showing the results of his recent visit to Onondaga to discover the designs of the French with the Indians.

June 24. Transmitting a communication from the Governor of South Carolina "representing their deplorable circumstances of being attacked by the Indians, and desiring assistance.[5]

July 21. The Assembly was adjourned to the first Tuesday of November.

1716. JUNE. SEVENTEENTH ASSEMBLY, FIRST SESSION.

ROBERT HUNTER, Governor.

The Sixteenth Assembly had been adjourned to the first Tuesday in November, 1715, but on the 11th of August it was dissolved. This action was based on the opinion of the Attorney-General that the Assembly had been dissolved by the new commission issued to Governor Hunter, bearing date March 17, 1715. The Assembly had been called under a commission issued to the Governor by Queen Anne, but it was held that his authority under that instrument had been determined by the new commission from King George. The records do not show when new writs of election were issued, but apparently a new Assembly was soon called.

October 13, the Governor issued a proclamation adjourning the Assembly to the 17th of March, 1716, but it

[5] An act, chap. 312, was passed on the 21st of July, 1715, exempting from duty for six months all "goods, slaves and merchandise" imported from South Carolina. The preamble recites that on account of the Indian war many inhabitants of South Carolina had been obliged to seek refuge in New York, and such refugees were relieved from the payment of duties on property brought with them.

did not meet until the 5th of June. On that day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— Were there no reason for our meeting at this time than that we may together rejoice for the successes with which it has pleased the Almighty to bless his Majesty's councils and arms over the crafty devices of his natural enemies and desperate attempts of his unnatural subjects, I think that is sufficient; for is there a man who has the least concern for human nature itself who is not filled with joy to find the essential difference betwixt that and the subordinate species of animals refixed and maintained, which must have been entirely canceled by that sort of power which alone could have given success to, and have supported the cause of a popish pretender. For my own part I own I have ever thought that a man and his beast have as best equal shares in the benefit of such a government. I know I speak to a set of men who join with me in these thoughts; and to do justice to those whom you represent, I firmly believe that his Majesty in the wide extent of his dominions, has not a Province where fewer look a squint on his rightful title and righteous cause, for I think not one has ventured to speak.

I would not have you misconstrue what I am about to say as if I was sounding an alarm in the middle of a profound peace; far be that thought from me. Your future security is all my aim. The late insidious treaties of peace and commerce (the best authority on earth has called them so) had left it too much in the power of those whom I can hardly forbear to call still our enemies to annoy us on this side when they shall find themselves inclined to interpret those treaties in favor of a groundless rupture. The vast preparations in France for settlements behind you along the Mesapi [Mississippi], with the neighborhood of a very

considerable garrison and seaport at Cape Breton as they may, let you into some of their views in making that peace (for it was they that made it) so they justify my apprehensions and I hope will be sufficient to induce you to put yourselves into a better state of defence against the evil day to come. The strength of this fort is very little proportioned to its use, which I take to be not only the security of this Province, but in a great measure that of this continent. The fort at Albany is next to none at all, and will signify little against any but Indian enemies, and upon that you well know depends entirely the safety of your frontiers and remote settlements.[1] I have not been wanting in due representations elsewhere in this matter, and have accounts that the Lords of Trade have been pleased to second them with their advice to his Majesty for an augmentation of the troops here, of which I hope we shall speedily have a favorable account. I hope you will not be wanting on your part, now that the burthensome expense of the fruitless expeditions is in a great measure over, and the subject here is less loaded with public taxes than any of their neighbors. I shall be ready to confer with and advise you about what is necessary to be done in that matter.

A former Assembly merited and received the blessings of many suffering families by the payment of the public debts. If by neglect or otherwise any just claimants have been disappointed, I hope you will share these blessings in providing for the satisfaction of all such just claims.

I have detained you too long. What besides may occur to me which ought to fall under your deliberations, I shall communicate to you hereafter. I need not tell you that the season of year requires dispatch.

RO: HUNTER.

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[1] An act, chap. 320, was passed on the first of September for repairing the fortifications at Albany.

SPECIAL MESSAGES.

June 6. From the Council, proposing a conference committee on an address congratulating the King on his success in suppressing the late rebellion in Great Britain. This address was signed the next day.

June 15. From the Governor, presenting a memorial, relative to expenses incurred by him in soliciting the royal assent to the bill for the payment of the debts of the colony.[2]

June 30. Adjourning the Assembly to August 1.

1716. AUGUST. SEVENTEENTH ASSEMBLY, SECOND SESSION.

ROBERT HUNTER, Governor.

The Assembly met on the 7th of August, but no speech was delivered by the Governor.

SPECIAL MESSAGES.

August 21. The Assembly presented an address to the Governor requesting his aid in behalf of Samuel Mulford, who had been prosecuted for libel in publishing a speech made by him in the Assembly. The Governor replied that Mr. Mulford had not been prosecuted for making the speech, but "for publishing and dispersing a false and malicious libel against the government." The Governor promised compliance with the Assembly's request whenever Mr. Mulford should apply to him in a dutiful manner for what was desired.

September 1. The Assembly was adjourned to the first Tuesday of April, 1717.

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2 An appropriation for the Governor's expenses in procuring the royal assent to the act for the payment of colonial debts was made by an act, chap. 322, passed September 1st.

1717. APRIL. SEVENTEENTH ASSEMBLY, THIRD SESSION.

ROBERT HUNTER, Governor.

The Assembly met April 9. No formal speech was delivered by the Governor, but the next day he sent a letter to the Assembly recommending new bills of credit for such as were or would be soon worn out; informing the Assembly that "he had advices from the Commissioners at Albany, relating to the necessity of a new settlement, more advanced on the frontier;" and that the Assembly would probably not meet again that year "because his journey to Albany, the harvest and winter seasons, and the Assembly in the Jerseys in the fall" would render such a meeting doubtful if not impracticable; also transmitting a letter from Ambrose Philips, agent of the colony, expressing his thanks to the Assembly.

SPECIAL MESSAGES.

April 30. From the Council, a memorial of Robert Jenney, "master of the grammar school &c, which proposed that a sufficient fund may be raised, for building a schoolhouse and dwelling house for the master, and to allow him a salary of seventy pounds per annum for teaching thirty-five boys."

May 28. The Assembly adjourned to the 20th of August; on that day the Governor by proclamation adjourned it to the following Tuesday, the 27th. The Assembly met on the 27th, and on several subsequent days without any apparent termination of the session, which, according to the Council records, became a new session on the 5th of September.

1717. SEPTEMBER. SEVENTEENTH ASSEMBLY, FOURTH SESSION.

ROBERT HUNTER, Governor.

According to the Council Journal, September 5 marks the beginning of the fourth session, but the Assembly journal shows that regular business was transacted on the 4th, and that on that day the Assembly adjourned to meet the next morning (the 5th), at nine o'clock. The Governor did not deliver a speech, and there is nothing in the Assembly record to indicate the opening of a new or an adjourned session.

SPECIAL MESSAGES.

September 9. Advising the Assembly that he had received from Mr. Bamfield, his private agent in London, "a very strange memorial," which had been presented to the House of Commons, setting forth "several aggrievances and oppressions of his Majesty's subjects in the colony of New York in America." The records do not contain a copy of the memorial.

On the 13th of September, the Assembly agreed to a report of a committee, declaring the memorial to be a "false, malicious and scandalous paper, reflecting upon the Governor and government, and the whole constitution of the colony, and of pernicious consequence;" thanking the Governor for communicating the memorial to the Assembly, requesting him to try to find the author of the memorial, and to inform the Indians that "we utterly abhor and detest that suggestion in the said paper or libel, of reducing the Indians by force and possessing their lands; for the steadiness of those Indians, to the interest of Great Britain, all the last war with France, it is that we owe in a great measure, our present security."

October 4. The Assembly presented to the Governor a formal address relative to the memorial, to which the Gov-

ernor replied by expressing the hope that the memorial would not have any ill effect at home, and said he would take effectual care it should not make any ill impressions on the Indians.

October 31. Recommending the appointment of proper persons to run the division line between New York and New Jersey.

November 9. Transmitting a communication from the Commissioners of Indian Affairs at Albany, containing a complaint by an Indian Chief of the "dearness of goods," because they were immediately transported to Canada, and requesting that the trade from Canada be stopped.

December 23. The Assembly was adjourned to the 15th of April, 1718.

1718. MAY. SEVENTEENTH ASSEMBLY, FIFTH SESSION.

ROBERT HUNTER, Governor.

After several adjournments from December 23, 1717, the Assembly met on the 27th of May, 1718, and chose a Speaker, Robert Livingston, in place of William Nicoll, who was unable to attend on account of illness. The Governor did not deliver a formal speech, but suggested that the Assembly proceed with pending business, and said he would communicate with them after receiving information which was expected from Europe.

The same day two communications were received from Ambrose Philips agent of the colony at the court of Great Britain.

SPECIAL MESSAGES.

June 26. Requesting a conference committee on the Mulford affair. This committee made a report which was agreed to on the 2d of July, but the journal does not contain the text of it.

July 3. Transmitting a communication from the Lords of Trade containing instructions to the Governor requiring the royal approval of any bill affecting trade or shipping before it could take effect.[1]

July 3. The Assembly was adjourned to September 16, 1718.

1718. SEPTEMBER. SEVENTEENTH ASSEMBLY, SIXTH SESSION.

ROBERT HUNTER, Governor.

The Assembly had been adjourned to the 16th of September, but no business was transacted until the 24th, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—Having received from the Lords Commissioners for Trade some objections against the acts for settling a revenue for support of government, I judged it also lately necessary that you should meet as soon as possible in order to provide proper remedies for such matters contained in those acts as have in the meantime obstructed their Lordships' recommendation of them to his Majesty for his approbation, and may, if not remedied, lay them under the necessity of laying them before him for his disallowance, which, as it would be of dangerous consequence to the credit and interest of this colony, so I am persuaded it would be no very agreeable task to their Lordships who have its interests and prosperity so much at heart, as it will appear from their own words which are these:

1 This subject was referred to again by the Governor in his speech at the opening of the next session, when an act, chap. 365, was passed October 16, 1718, explaining several provisions in previous revenue laws.

"We have considered the revenue act and have some objections to it, particularly it affects the shipping and navigation of this Kingdom as you will see by the enclosed paper of objections; however, we would not lay it before his Majesty to be repealed, because you say the repealing it would ruin the trade of the Province. You must, therefore, move the Assembly to pass a new act not liable to the said objections, otherwise we shall be obliged to lay this act before his Majesty for his disallowance, for no acts are to be passed in the plantations whereby the shipping and navigation of this Kingdom are affected, as you will see more particularly by his Majesty's additional instruction to you of the 27th of September last. We have the like objections, which are also here enclosed, to the act to oblige all vessels trading to this colony (except such as are therein excepted) to pay a certain duty, etc., passed in September, 1716, and for the same reasons we must desire you to get a new act passed not liable to these objections."

The paper containing these objections I shall lay before you, and earnestly entreat your immediate attention to the application, also proper remedies. At the same time I must put you in mind that in the next year, which is the last of your revenue act, it will prove very deficient as was observed at the time it passed, so that this may be a very proper juncture by a new act for that purpose to remove all just objections, guard against that deficiency, and to make further provision for the support of his Majesty's government here.[1]

The season of the year calls for dispatch and the case cannot admit of delay, and I cannot easily persuade myself that an Assembly which has all along had and has given conspicuous marks of a hearty zeal for his Majesty and sincere regard to his service, and has given such kind repeated proofs of their entire satisfaction with my admin-

[1] An act, chap. 365, was passed October 16th, explaining several prior revenue statutes.

istration, will hesitate in what is now recommended to them which so nearly concerns the interest of those whom you represent as well as that of the government.

RO: HUNTER.

SPECIAL MESSAGES.

October 9. Thanking the Assembly for its address, and promising to use his utmost endeavors for the welfare of the colony.

October 14. The Assembly presented to the Governor an address informing him that a sloop and her cargo belonging to the mayor of New York had been unlawfully seized by the Spaniards, and requesting the Governor's aid in procuring a restitution of the property. The Governor replied that he would "represent their desires as effectually as he could to his Majesty."

October 16. The Assembly was adjourned to the first Tuesday of April, 1719.

1719. APRIL. SEVENTEENTH ASSEMBLY, SEVENTH SESSION.

ROBERT HUNTER, Governor.

The Assembly had been adjourned to the 7th of April. After several adjournments, and the transaction of some business of minor importance, the Assembly on the 28th received the following speech in writing from the Governor, who was indisposed, and for that reason, sent the speech by the deputy secretary. This is the first instance in which the speech at the opening of the session was not delivered by the Governor in person.

OPENING SPEECH.

GENTLEMEN.— My present state of health obliges me to send in writing what I had to recommend to you at the opening of the session to-day. I was solicitous that you should meet at this time that we might be in a readiness to put in execution such orders as his Majesty might think necessary to send us in relation to the just and necessary war he has declared against Spain. The ship which probably brings these orders is not yet arrived, but is hourly expected. The news you have had of that enemy's designed attempt upon the Kingdom of Ireland will easily persuade you that how improbable so ever an enterprise of the like nature upon these parts may appear to be, it is not impossible, especially considering the daily reports of their equipping of ships of war in their American ports. Fury and resentment may carry them thither, where they think they may do the greatest and cheapest damage.

I look upon the militia with the regular force we have to be a sufficient guard to the Province. But I think that for the better defence of this city, there is a necessity of renewing and repairing the two low batteries at the entrance of this haven, which are entirely ruined by the injuries of time and tempests. For that purpose I desire you would prepare a bill for the defraying that expense, and if you think fit in the meantime to pass a vote of credit for that use, I shall set to work immediately that no time may be lost.

In the next place, it will be necessary that you inform yourselves from your Treasurer and the officers, of the present state of the revenue that you may in time provide for the deficiency in these funds in this ensuing last year of their date which was foreseen, and I doubt you will find it to be considerable, as well as the ways and means for the

future support of his Majesty's government here, toward which you have ever shown the warmest zeal and affection.[1]

The late attempt of some wicked men to counterfeit your bills of credit I hope is in a great measure disappointed by the early discovery and the flight of the persons guilty in all appearance, for the finding out and securing of whom I have used all possible diligence. I submit it to you whether it may not be necessary to pass a law forbidding the currency of all bills above a certain value, which shall be pasted on the back side, after a certain time fixed, by which time the Treasurer may change true bills so pasted with others, which he is to sink, for this counterfeit is concealed by the means of such pasting, as these false bills will convince you.

You know that the time approaches when your country affairs will require your recess. That will induce you to give all due dispatch to business before you. I shall acquaint you from time to time what occurs to me which may be necessary for your consideration.

RO: HUNTER.

SPECIAL MESSAGES.

April 30. Acknowledging the receipt of the Assembly's address.

May 4. Transmitting a letter from the Lords of Trade relative to the "abuse of pitch and tar transported from this Province to Great Britain."

May 22. Transmitting a bond executed by Gilbert Livingston and Francis Harrison, farmers of the excise.

June 9. Recommending that provision be made for a second judge.

June 16. From the Council, recommending repairs to the New York custom house.

[1] A general act, chap. 366, was passed June 24th for the support of government.

June 24. The two houses being in joint session for the consideration of bills, the Governor said:

"I have now sent for you, that you may be witnesses to my assent to the acts, passed by the General Assembly in this session. I hope that what remains unfinished may be perfected by to-morrow, when I intend to put a close to this session.

I take this opportunity, also, to acquaint you that my late uncertain state of health, the care of my little family, and my private affairs on the other side, have at last determined me to make use of that license of absence, which has been some time ago so graciously granted me; but with a firm resolution to return to you again, if it is his Majesty's pleasure that I should do so. But if that proves otherwise, I assure you that whilst I live I shall be watchful and industrious to promote the interest and welfare of this country, of which I think I am under the strongest obligations for the future to account myself a countryman.

I look with pleasure on the present quiet and flourishing state of the people here, whilst I reflect on that in which I found them at my arrival. As the very name of party or faction seems to be forgot, may it ever lie buried in oblivion, and no strife ever happen among you; but that laudable emulation who shall approve himself the most zealous servant and most dutiful subject to the best of Princes, and most useful member of a well established and flourishing community; of which you, Gentlemen, have given a happy example, which I hope will be followed by future Assemblies. I mention it to your honor, and without ingratitude and breach of duty, I could do no less."

The next day the Assembly presented the following address to Governor Hunter:

"When we reflect upon your past conduct, your just, mild and tender administration, it heightens the concern we have for your departure, and makes our grief such as words cannot truly express.

You have governed well and wisely, like a prudent magistrate, like an affectionate parent, and wherever you go, and to whatever station the divine Providence shall please to assign you, our sincere desires and prayers for the happiness of you and yours, shall always attend you.

We have seen many Governors, and may see more; and as none of those who had the honor to serve in your station were ever so justly fixed in the affections of the Government, so those to come will acquire no mean reputation, when it can be truly said of them, their conduct has been like yours.

We thankfully accept the honor you do us in calling yourself our countryman; give us leave then, to desire that you will not forget this is your country, and (if you can) make haste to return to it.

But if the service of our sovereign will not admit of what we so earnestly desire, and his commands deny us that happiness, permit us to address you as our friend, and give us your assistance when we are oppressed with an administration the reverse of yours."

June 25. Governor Hunter adjourned the Assembly to the first Tuesday in May, 1720.

1720. OCTOBER. SEVENTEENTH ASSEMBLY, EIGHTH SESSION.

WILLIAM BURNET, Governor.

July 13, 1719, Governor Hunter transferred the government of the colony to Peter Schuyler, President of the Council, and soon afterwards sailed for England. President Schuyler adjourned the Assembly from time to time, until the arrival of Governor Burnet. The new Governor's commission was dated June 24, 1720. He arrived in the colony in due season, and published his commission and took the oath of office the 17th of September. He was also appointed Governor of New Jersey.

The Assembly met again October 13, 1720, and on that day Governor Burnet delivered the following

OPENING SPEECH.

GENTLEMEN.—I am fully sensible of my unfitness to fill the room of my incomparable predecessor and to meet

gentlemen who have for some years been near witnesses of his wise and worthy administration.

I could not recover my uneasiness on this head, were there not many happy circumstances to relieve me. I serve the best Prince that ever was, from whom I may depend on the most gracious acceptance of my unworthy services.

I succeed a gentleman who left this Province in a flourishing state, and is still ready to take care of its interest, which his Majesty's favor and the general regard shown him at home will give him great opportunities of doing, and which in the most affectionate terms to his people and to myself he has heartily undertaken.

I meet a Council and Assembly who concurred with him and assisted him in those great and good measures that are now completely confirmed by his Majesty, which have been so effectual to settle the peace and public credit of this Province, and are so much of the same nature with those glorious and successful methods so lately taken by the legislature of Great Britain for payment of all the public debts by increasing the circulation of paper credit.

Upon the whole, when I consider the present state of affairs and compare it with the distracted and unsettled posture in which my predecessor found them, I begin to flatter myself that my task will be much easier, my assistance much greater than he met with at his first coming.

GENTLEMEN OF THE ASSEMBLY.—After such proofs of your care of credit and the support of government, I have no room left to doubt of your finding an immediate and effectual remedy for the great deficiency of the present revenue, I leave it to you to judge if it is not time to make a further provision for the support of government, since the present act will expire in July next.[1]

[1] Provision for the support of government was made by an act, chap. 396, passed November 19th. The act was to continue in force six years.

And this I am commanded by his Majesty to recommend to your earnest consideration. In providing a revenue for a reasonable term you will show your opinion of those employed by his Majesty among you, and above all give the best proof of your thankfulness to his Majesty for his most gracious care of your continuance by his late commands signified by Mr. Secretary Craggs to the President of the Council, that you be not dissolved nor suffered to dissolve for want of due prorogation.

I come now to an affair of the last importance to yourselves and the safety of the country, and what I thought my duty to recommend to your care without loss of time, the present condition of the frontier. I must believe that whilst you approve yourselves loyal to his Majesty and just to one another in paying the public debts, you will not neglect that first principle of nature, self preservation. It is no less that comes now before you than whether you will suffer the Province to lie open to the first attempt the French shall think fit to make against it. This must be the case if we look on patiently and see them advancing every day further into our country, building trading houses in the main passes belonging to it, seducing numbers of our Indians to live among them, setting others on expeditions against those who depend on a neighboring British colony, and spreading false and scandalous reports among the Five Nations in order to draw them off their allegiance to the Crown of Great Britain.

This is the substance of our best and freshest advices from those parts, and what the most trusty of our Indians have communicated to us, imploring our immediate help to prevent their nations from falling entirely into the hands of the French, of which we know the fatal consequence. Now if in a time of profound peace, we find the French using such arts and by their new settlement on Mississippi, give us just reason to apprehend a dangerous increase of

their power, can we be so much wanting to ourselves as to lose a moment in providing for our own security?

We may yet do what I hope will be effectual by repairing our forts, which are now in a total decay, building new ones where it shall be found necessary,[2] putting our militia in the best condition for service,[3] using our utmost endeavor to establish our interest with the Indians, and preventing any trade on this side that may be destructive to the public.[4]

Thus without any imputation of violating the peace with France on our part, we may be secure in all events against a nation whose practices among us have had a constant view to their own ambition and our ruin.

GENTLEMEN.— We live in the happiest of times; our mother country, Great Britain, flourishes beyond what was ever known before, in wealth, power and glory. We may ascribe it to a blessing that attends such national virtues as public spirit and public faith, in which she has outshined all her neighbors.

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2 An act, chap. 397, was passed November 19th, providing for the erection and repair of fortifications on the frontier. The preamble recites that:

"The French of Canada have by ill arts and crafty insinuations so far gained upon some of the nations of the Indians inhabiting in and bordering upon this Province as to be admitted to build a trading house or fortification among the said Indians at a place called Niagara or Yagera, within this Province, which is not only in contempt of his Majesty and his royal dignity and imperial crown of Great Britain, but tends to render the said Indians wavering in their faith and allegiance and will if not demolished awe the said Indians into a subjection and dependence on the said French, withdraw them from their duty and obedience to his royal Majesty, and with them a great tract of territory now and heretofore in the possession, and of right belonging to his said Majesty as a part of his territory and dominion of New York in America."

At the next session, July 1, 1721, the Speaker presented "a translation from the French, of a memorial of what passed concerning the establishment of a post which the French have built at Niagara for the trade of peltry." The records do not contain a copy of the memorial.

3 An act, chap. 385, passed November 19th, revised and continued the militia act of 1702.

4 November 19th, an act was passed, chap. 392, "for the encouragement of the Indian trade and rendering it more beneficial to the inhabitants of this Province, and for prohibiting the selling of Indian goods to the French."

The glorious revolution begun by King William of immortal memory has now after many struggles and dangers received its finishing stroke and utmost perfection, and seems now secured beyond the reach of anything but envy.

The present age cannot be happier than under a Prince so admired and beloved as his Majesty, nor posterity have a fairer prospect than from the next heir to the Crown, and the whole illustrious line after him.

These blessings reach us, though in a lower and remoter sphere, and as Great Britain is an example to other nations, we have advantages that if we improve will make us a pattern to other colonies.

W. BURNET.

SPECIAL MESSAGES.

October 21. The Assembly having received information that a warrant for five hundred and fifty pounds had been issued to Governor Hunter — four hundred pounds to be used for presents to the Indians, and one hundred and fifty pounds for his expenses in going to Albany, to negotiate with the Indians, and that he had left the colony without performing the service — requested the Governor to procure the cancellation of the warrant. The Governor referred the matter to Governor Hunter's agents, who reported that a receipt had been given for the warrant, and suggested that it should not be cancelled without proper indemnity. It appeared on further investigation that Governor Hunter had in fact sent a large quantity of supplies to Albany to be used as presents to the Indians.

October 24. Transmitting an account of the farmers of the excise.[5]

[5] November 19th, an act was passed, chap. 387, appointing commissioners in the several counties, charged with the duty of farming out the excise therein.

October 27. Thanking the Assembly for its address, saying he was "very happy on his first entrance upon the government, to find in them so much affection and loyalty to his Majesty, so good a disposition to him, and so much unanimity among themselves."

November 4. Assuring the Assembly, in response to its request, that he would endeavor to bring to a speedy determination the matter relating to Samuel Heath, the deputy weighmaster.

November 19. After approving certain bills, the Governor said:

"The cheerfulness you have shown in providing for a support of government, justly recommends you to his Majesty's favor, which I shall not fail to represent.

Your care of the frontier, and to prevent a trade so dangerous to the safety of the Province, entitles you to the love of your countrymen, and your confidence in me, will make me impatient to meet so good an Assembly again."

The Assembly was then adjourned to the first Tuesday in March, 1721.

1721. MAY. SEVENTEENTH ASSEMBLY, NINTH SESSION.

WILLIAM BURNET, Governor.

The Assembly had been adjourned to the first Tuesday in March, 1721, but was continued from time to time (some of the proclamations being issued while the Governor was in New Jersey) until the 16th of May, when the regular business of the session was begun. On the 19th, the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—It must always be a pleasure to meet an Assembly that have acted with so much unanimity and dis-

patch in the service of the public, and have at the same time shown a due regard to the government and a tender care of the credit, ease and safety of the colony.

This conduct makes you worthy to represent such a flourishing people, and gives me a peculiar satisfaction in finding your continuance approved at home.[1] I shall communicate to you the letter I have received from the Lords of Trade on that and some other matters, and shall send you what papers may serve to inform you of the present state of the frontiers[2] and the continued attempts of the French against this Province.[3] You cannot be insensible of the dangerous consequences they will have if not timely and effectually prevented.

If you have left any part of the public business unfinished the last time you met, you will now I hope perfect it, with as little expense of time as possible. I shall always give you opportunity of doing everything you conceive for the benefit of your country, and join heartily with you to the utmost of my ability to promote the common good.

W. BURNET.

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1 Governor Burnet, in a letter to the Lords of Trade, dated September 24, 1720 (Col. Doc. vol. 5, p. 573), and again in a letter to the Secretary of State, dated October 17, 1720 (Col. Doc. vol. 5, p. 574), recommended the continuance of the existing Assembly, which had been chosen and had held several sessions during Governor Hunter's administration. The Lords of Trade in their reply to these communications, dated December 28, 1720 (Col. Doc. vol. 5, p. 583), approved the continuance of the Assembly, saying that the practice was "exactly conformable to that in Ireland, where one parliament has subsisted under different governors since his Majesty's accession to the throne."

2 July 27th, two acts were passed for frontier defence, one, chap. 403, relating to stockades at Albany and Schenectady, and the other, chap. 406, for repairing the fortifications at Albany.

3 An act, chap 409, was passed July 27th, appropriating five hundred pounds for presents to the Indians, for the safety of the Province, and to secure the fidelity of the Five Nations.

SPECIAL MESSAGES.

May 20. Thanking the Assembly for its address.

May 23. Transmitting a letter from the Lords of Trade approving the continuance of the Assembly; also transmitting papers relating to the frontier, and a letter from the Governor of Canada to Col. Schuyler.

June 2. Approving the appointment by the Assembly of Abraham De Peyster, Jr., as treasurer of the colony.

June 14. Approving the appointment of a joint committee to audit the accounts of the late treasurer.

June 30. Acknowledging the receipt of a memorial from the Assembly disclaiming any contempt of his Majesty's authority in refusing to account with the Auditor-General, who it seems claimed a fee of five per cent on all revenues collected, which fee the Assembly thought extraordinary and burdensome.

July 5. Transmitting a letter from Albany, importing that several foreign Indians were arrived at Albany to trade, and that more were expected.

July 27. The Assembly was adjourned to the first Tuesday in October.

1722. MAY. SEVENTEENTH ASSEMBLY, TENTH SESSION.

WILLIAM BURNET, Governor.

The Assembly had been adjourned until the first Tuesday in October, 1721, but by several adjournments, was continued until the 29th of May, 1722. The Governor on the 31st delivered the following

OPENING SPEECH.

GENTLEMEN.—I have so much reason to expect your ready concurrence in everything which is requisite for the public service, that I meet you with a cheerful confidence

and an entire dependence on your making effectual all your former resolutions to that end, and your coming to such new ones as will enable me to carry on those measures on the frontier of this Province which I have begun with some success, and which are of the greatest moment for your security.[1]

I have now for a long time waited for the confirmation of your act for laying two per cent on European goods, but cannot avoid telling you not only that it is not confirmed, but by my best advices it never will be, and the reason is not hard to guess when the legislature at home have passed a law to give a premium upon the exportation of the British manufactures. It is scarce to be expected that the Crown will consent to a duty on those very manufactures when imported into the plantations. As you were convinced of the necessity of passing this act formerly, I can have no doubt of your readiness to find other ways to provide for the same purposes in a manner that will prove real.[2] There is another expectation from the act of the support of the government which you will find has not answered, and that is the sinking of a large sum of bills of credit out of it, which is so far from being possible that the revenue will not even answer when this load shall be taken off.

I depend, therefore, upon your care to provide another way to sink those paper bills.[3] I must take this occasion

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1 An act, chap. 427, was passed at the next session, November 1, 1722, appropriating five hundred pounds to encourage trade with the Indians and for the defence of the frontier.

2 An act had been passed November 19, 1720, chap. 397, imposing a duty of two per cent on all European goods imported into the colony. The Assembly journal shows that on the 23d of October, 1722, a communication was received from George Bamfield, the colony's agent in London, showing his efforts to procure the royal assent to this bill, and also a copy of a remonstrance against it by London merchants. July 24, 1724, the Governor communicated to the Assembly the King's veto of this bill.

3 An act, chap. 421, passed July 7, 1722, revived and continued bills of credit to the amount of three thousand ounces of plate, which by the act mentioned in the Governor's message were to be sunk and destroyed.

to recommend it to you to inquire how public moneys have been managed since our last meeting, and whether due care has been taken to recover all the arrears due to the public, and to apply them according to law, and whether due obedience has yet been paid to my orders given in Council to promote that service.[4]

I doubt not but you will pay a due deference to his Majesty's commands to me to take care that the revenue be accounted for to his Majesty's proper officer, of which I will send you a copy, as I likewise will of the manner in which the small sum given last year for the service of the frontier has been disposed of, that you may see the frugality with which it has been managed.

The same frugality shall be observed in the application of whatever sum shall be now given for the like services, and for the erecting and maintaining a magazine for powder, of which you all know the necessity for the safety of this flourishing city.

GENTLEMEN.— I hope a sincere and disinterested love of our country will be our rule in all our proceedings, that all private views and indirect measures be discountenanced, and particularly that in your providing for the pressing occasions of the public you will turn your thoughts in such manner as will best suit the ease and general inclination of the people, and tend to encourage the industry and multiply the number of the inhabitants of this Province. I shall readily join as far as I am able in any laws which you can think for the benefit of this colony, and shall always have the greater satisfaction in my own mind and think I do the most acceptable service to my sovereign, when I promote the happiness of the people.

W. BURNET.

[4] An act to recover arrears of duties, chap. 424, was passed July 7, 1722.

SPECIAL MESSAGES.

June 8. Transmitting a copy of the minutes of the Council relating to the late and present treasurer of the colony; a copy of the part of a letter from Lord Carteret, one of the Secretaries of State; a copy of a letter from the English Commissioners of the Treasury; and a statement showing the disposition of the five hundred pounds appropriated at the last session of the Assembly for presents to the Indians.

June 13. Transmitting a letter from the Commissioners of Indian Affairs at Albany, "relating to the trade supposed to be clandestinely carried on by some persons at Albany, with the French at Canada." The Assembly, acting on this letter, requested the Governor not to grant "any pass to any inhabitants of this Province to go to Canada, unless upon great and urgent necessity of the public affairs."[5]

June 14. Acknowledging the receipt of two addresses from the Assembly.

June 15. Presenting letters from Peter Schuyler, Jr., and Thomas Wildman.

June 22. Transmitting a petition from Philip Livingston, Secretary of Indian Affairs, requesting the payment of his salary.

June 29. The Assembly, having requested a recess until after harvest, the Governor replied that he could not grant the request without neglecting the public service; that very extraordinary business required him to meet the Indians at Albany "in the end of August," and the success of that negotiation depended in a great measure on the Assembly's providing for the service of the frontier and the trade with the far Indians, to which end, there was a trading house

[5] An act to prevent clandestine trade with the French, chap. 425, was passed July 7th.

actually building near the Lake Cadaracqui, in the Seneca's country, and he hoped there would be no unnecessary delay in making provision for that enterprise. (See note 1.)

June 30. Informing the Assembly that he would consider its request for a statement of the expense for securing the frontier. On the 3d of July, the Governor made a formal reply to this request, in which he said:

"As the security of this Frontier depends in a great measure on the fidelity of the Five Nations to this Government, the most numerous of which, the Seneka's, are at a great distance from our Christian settlements, and are continually solicited by the French to quit our interest and embrace theirs, His Excellency conceives the most frugal and effectual method to keep them in their allegiance, as well as to preserve and increase our trade with the far Indians, is to have a fixed trading house established among the said Senekas, and to encourage such a company to settle among them as shall be sufficient to entertain a constant amity and familiarity with that Nation, and take all methods, requisite to invite the Nations to trade with this Province, and to keep a constant intercourse with the city of Albany."

The Governor recommended that a company of twelve men be provided for this purpose, besides interpreters and smiths, and that eight hundred pounds be appropriated for salaries and expenses. (See note 1.)

July 7. The Assembly was adjourned to the last Tuesday in September.

1722. OCTOBER. SEVENTEENTH ASSEMBLY, ELEVENTH SESSION.

WILLIAM BURNET, Governor.

At the close of the preceding session the Assembly was adjourned to the last Tuesday of September, 1722, but did not meet for the transaction of business until the 1st

of October. No formal speech was delivered at this session, but on the second, the Governor transmitted to the Assembly the following papers:

"An answer from the Honorable Horatio Walpole, Esq. auditor General of his Majesty's plantations, to a representation of this House to his Excellency, relating to the auditing of the moneys raised for the civil government of this Province, dated the 17th of January, 1721-2.

A letter from the Right Honorable the Lords Commissioners of his Majesty's Treasury, to his Excellency, upon the same subject; dated 28th of April, 1722.

Copy of a memorial from Archibald Kennedy, Esq., to the Right Honorable the Lord Carteret, one of his Majesty's principal Secretaries of State, relating to bedding, and other stores for his Majesty's four independent companies, posted in this Province.

Copy of a letter from the Board of Ordnance, to the Right Honorable the Lord Carteret in answer thereto, dated the 17th of April, 1722.

A letter from the Lord Carteret to his Excellency, upon the same subject, dated the 26th of April, 1722.

Copy of Captain Henry Holland's petition to his Majesty; claiming an arrear due to him of five hundred twenty-one pounds and sixteen shillings, as gunner to the fort of Albany.

A letter from the Lord Carteret to his Excellency, upon the said petition; dated the 31st of August, 1722.

The memorial of Captain Philip Schuyler, to his Excellency and Council, for repairing the Fort at Schenectady, and the necessity of a small house to be erected for securing the powder for the use of the said Fort.

The account of Cornelius Cuyler's charges for his journey to Canada as express, in June and July last, to carry his Excellency's proclamation for his Majesty's subjects residing there, to return, entitled The Province of New York debtor; amounting to thirty pounds.

A letter from the Commissioners of Indian Affairs to his Excellency that they would build two wooden houses, for accommodating the Indians coming to trade at Albany, when the Indians there were gone, dated the 1st of September last.

An account of the materials necessary to repair the Fort at Albany, and the labor computed at fifty pounds."

SPECIAL MESSAGES.

October 6. The Assembly journal contains the following:

"His Excellency, our Governor, having by Col. Provoost sent for the perusal and consideration of this House the 93d and 94th articles of his Majesty's instructions to him, regulating the quotas of men or money to be furnished by the several colonies, in case our frontier should be invaded, and upon invasion of the neighboring plantations, to aid and assist them in the best manner, and as the condition and safety of this government will permit; as also a letter to him from Col. Samuel Shute, Esq. Governor of the Massachusetts Bay &c. in New England, dated the 1st of September last, making a demand comformable to the said repartition, by reason of the war he had declared against the Eastern Indians. And the House having duly considered of both, came to the following resolutions thereon, viz.

That they are sensibly touched and grieved at the barbarous and cruel war their good neighbors of New England are engaged in with the said Indians; and on the other hand, that the circumstances of this colony is so far from being able to afford them the aid and assistance their disposition would incline them to, if they were in a condition. That by the annual and constant charge to secure our Five Nations of Indians in the British interest, maintaining and repairing the forts and fortifications on our frontiers, the great charge in supporting this government, and the lessening the heavy debts it labors under, that even this session, they have been obliged to burthen its inhabitants with several large taxes.

That the colony being thus circumstanced, this House is greatly pleased that his Excellency, at his late treaty with the Five Nations at Albany, has enjoined and engaged them to depute one out of each Nation to go to the said Eastern Indians, and to threaten them in the name of their principals, that they will make war upon them, in case they do not strike up a peace with his Majesty's subjects of New England, and those deputies being actually gone upon that

message, accompanied with a Christian, this House hopes it will have a happy effect, which they are the more inclinable to believe, because the like measures being used by this government, about the year 1675, did very much contribute to finish a more cruel war (commonly called King Philip's War) wherein New England, was then engaged with the Indians.

Ordered, That the Speaker desire his Excellency to communicate the sentiments of this House to Col. Shute, and that he will at the same time acquaint him that the present state of this colony does altogether deprive them of the means to aid them at this time, however well disposed they may be to do it."

October 18. From the Council, proposing a joint committee to compare and examine the acts passed since Governor Burnet's arrival in the colony.

November 1. The Assembly was adjourned to the first Tuesday in May, 1723.

1723. MAY. SEVENTEENTH ASSEMBLY, TWELFTH SESSION.

WILLIAM BURNET, Governor.

The session was opened on the 8th of May, and on the 14th, the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The unanimity and mutual confidence that have appeared in our former meetings, and the general tranquility that is observable through the whole Province, leave me little room to apprehend mischiefs arising from differences among ourselves.

But when wicked men in defiance of the most sacred obligations are continually conspiring the ruin of that glorious nation to which we belong, we cannot but feel the

highest concern while our common fate is in suspense, and receive the news of deliverance with all imaginable joy.

The dangers which have hitherto threatened us have all taken this happy turn, and we are now certainly informed that the late traitorous schemes which have been laid against his most excellent Majesty and his happy Kingdoms have been rejected and disappointed by foreign Princes, discovered and prevented by the administration at home, and have now brought the conspirators to justice and parliamentary resentment.[1]

Could we have believed that under the best of Kings supported by a hearty parliament and respected by all the powers of Europe, a discontented party alone would thus attempt to overturn the constitution? But since men show themselves so desperate in the profoundest state of peace, safety and prosperity can never justify a remissness in providing against public dangers. What is true of great nations is not less applicable to Provinces that depend on them.

You are very sensible at how great a yearly expense the government at home provides for your security both by land and sea, and if this does not encourage you to make good your own part in putting your harbor and your frontier in an effectual posture of defence and in providing sufficient stores and magazines under a proper regulation, how will you answer it to yourselves if at any time you should come to be destroyed by surprise?

I have some reason to hope that it cannot be an apprehension that the sums raised for that purpose may be misapplied, that will divert you from thinking of it without delay.

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[1] May 16th, the Assembly presented to the Governor an address proposing a joint committee of the two houses to prepare an address to the King, congratulating him on his deliverance from the recent conspiracy. A committee was accordingly appointed, and an address was prepared and sent to former Governor Hunter to be presented to the King.

What you have given towards encouraging a trade with the far nations of Indians has been frugally employed, and seems to have had a very happy effect. If this encouragement is continued, and the pernicious trade to Canada can be effectually prevented, the beginnings that are already made to bring that trade into a right channel can scarce fail of coming to perfection.

I need only remind you of the deficiency that there is in the revenue; the chief causes of it you were fully informed of at your last meeting, and I depend on it that your justice and humanity to the inferior officers will induce you to provide for it in so ample a manner, that the treasury may be put in advance sufficiently to pay warrants when they become due, which I am informed has been the practice formerly.[2]

I shall be very glad to join with you in any laws that can be thought of for the public benefit, for as I cannot bear the thoughts of anything against your interest, so I shall not be easy if I omit anything that lies in my power to promote it.

W. BURNET.

SPECIAL MESSAGES.

June 6. Transmitting a communication received by the Commissioners of Indian Affairs at Albany from Lawrence Claesen, Indian interpreter, who had been sent by the Governor to the Five Nations of Indians to invite them to Albany to treat with commissioners from Boston.

June 13. Transmitting a letter from Governor Saltonstall of Connecticut relative to an act of Assembly of that Province, providing for establishing the boundary line between Connecticut and New York; also "the minutes of the Commissioners of Indian Affairs at Albany of the 29th

2 Provision for additional public revenue was made by an act, chap. 437, passed July 6th, which also was intended to encourage trade with the Indians.

of May last, concerning the far nations of Indians, who are come to trade at Albany, to the number of eighty persons, besides women and children;" and also a statement of warrants, issued that day and payable from public revenues.

July 2. Transmitting a communication from Albany, but its contents were not disclosed by the record.

July 6. Transmitting a communication from the aldermen of Albany.

July 6. The Assembly was adjourned to the first Tuesday in October.

1724. MAY. SEVENTEENTH ASSEMBLY, THIRTEENTH SESSION.

WILLIAM BURNET, Governor.

This session, after several adjournments, opened May 12, and on the 15th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The hearty zeal which you have always shown for his Majesty's government, and your just concern for the welfare of Great Britain, on which your own safety and happiness depends, makes this opportunity very agreeable to me of rejoicing with you at the present happy posture of affairs at home and the unparalleled glory his Majesty has gained abroad by fixing the peace and tranquility of Europe on such lasting foundations as humanly speaking cannot easily be shaken.

The wisdom of a British Parliament has been very eminent upon this occasion; they have not slackened their care in securing the nation from danger or surprise, and they have employed a time of plenty, wealth and quiet in providing for an easy and effectual payment of the public debts.

It is with pleasure I recommend to you so great an example, since as I am sure you approve and admire it, I have reason to expect you will imitate it in your own measures for maintaining the defence and credit of this Province.

When you are informed of the ruinous condition of the buildings of this fort, which is the only strength of the town and harbor, you will agree with me that an immediate and sufficient provision to repair it is the most frugal method to go about so necessary a work. What you have formerly provided has been fully employed by me for that service, and I will order an estimate of the extraordinary repairs now wanting to be laid before you.

The great arrears due on the support of government are a great hardship and discouragement to the officers, which I believe you will not think they deserve. I must, therefore, earnestly recommend it to you to make an effectual provision for all the incumbrances remaining on the revenue, and to supply the treasurer so amply that for the future warrants may be paid punctually as they become due.[1]

I have the satisfaction to acquaint you that his Majesty has given his royal approbation by an order in Council to an act for running and ascertaining the lines of partition and division between this colony and the colony of Connecticut.

I must observe to you that this had not been obtained without much opposition from the agent for the colony of Connecticut, and after two hearings, one before the Lords of Trade, and the other before a Committee of the Privy Council, who reported to his Majesty in favor of the act.

The usefulness of having agents constantly at home may appear very plainly to you upon this occasion, and I wish

1 A general revenue law was passed July 24th, chap. 447. It made various appropriations, and included provisions for the repair of the fort at New York and for promoting trade with the Indians.

I was not obliged to remind you to make good your encouragement for the time past and that account, as I am confident you will judge it necessary to continue the like encouragement for the future, and what you have still depending, and what you shall have from time to time may not suffer for want of care and attendance which the business requires, and without which the misrepresentation of persons may gain credit to the prejudice of your proceedings.

When I send you a copy of his Majesty's order in Council, I will at the same time send you copies of all the papers that passed at a state meeting between the commissioners from this Province and commissioners for Connecticut, from whence the latter thought fit to withdraw very unexpectedly, that you may consider what further measures to take to bring this affair to a conclusion.

I believe you are very sensible of the good effect of the laws to prevent the trade for Indian goods to Canada. The number of remote Indians who came to trade at Albany last summer was a beginning of those happy consequences which you had in view, and there is reason to expect a greater number of those Indians at this time, unless the French use violence to prevent them, and in that case I am sure there will not only be more reason than ever to continue those laws, but indeed it will become necessary to forbid all manner of correspondence with Canada, if they attempt to deprive you of the right which the treaty between Great Britain and France gives you of trading with all the Indians on the continent of America, who are not to be hindered or molested in their way to and from any of the British colonies on account of trade.[2]

This matter is of such consequence that I hope you will omit no measure that may be taken to increase our trade with the far nations,[a] and prevent any persons from con-

[2] An act, chap. 449, was passed July 24th, continuing an act prohibiting the selling of Indian goods to the French.

[a] See note 1.

tinuing to serve the French interests for their own private gain to the manifest detriment of the public interest and safety, and at the same time I am confident you will think that all proper methods should be provided for that may encourage the Five Nations to remain firm to us and to prevent the unwearied endeavors the French use to seduce them.

I have received an additional instruction from his Majesty concerning private acts, of which I will send you a copy.

If any laws are thought requisite by you for the public good, I shall always continue my readiness to join with you in everything consistent with my duty and your happiness.

W. BURNET.

SPECIAL MESSAGES.

May 18. Transmitting the following additional instruction received by the Governor relative to private laws:

"We do hereby in his Majesty's name, direct and require, that you do not give your assent to any private act, until proof be made before you in Council (and entered in the Council Book) that public notification was made of the party's intention to apply for such act, in the several parish churches, where the premises in question lie, for three Sundays at least successively, before any such act shall be brought into Assembly; and further you are to take care, that for the future, you do not pass any private act, without a clause inserted therein, suspending the execution of such act, until his Majesty's royal approbation shall be had thereof."

Also transmitting papers relating to the boundary line between New York and Connecticut.

May 19. Presenting a statement of the estimated expense needed for the repair of the fort at New York. (See note 1.)

June 30. Presenting a memorial from Lawrence Claesen, Indian interpreter, requesting an increase of his salary to eighty pounds per annum and offering to take under "his tuition such young men as his Excellency should approve of, to instruct in the Mohawk's language." The Assembly voted to increase the salary to sixty pounds.

July 22. A joint committee was appointed to examine and compare the acts passed by the third, fourth and fifth sessions of the Assembly under the present administration.

July 24. Advising the Assembly of the King's veto of the two per cent import bill.

July 24. The Assembly was adjourned to the first Tuesday in October.

1725. AUGUST. SEVENTEENTH ASSEMBLY, FOURTEENTH SESSION.

WILLIAM BURNET, Governor.

After several adjournments, sixteen members met on the 31st of August and chose a Speaker. On the 15th of September the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— I cannot but look back with pleasure on your conduct ever since I have had the happiness to be among you.

Your readiness to support the government in an honorable manner, your repeated endeavors to prevent the growth of the French power and to strengthen the British interest among the Indians, and your seasonable supplies for the repairs of his Majesty's forts, will always be remembered to the honor to this Assembly. If you have sometimes met with opposition, it has had little other effect than to justify your proceedings. A late instance of this

kind has appeared in the unwearied, and I wish I could not say indirect, methods taken by the merchants to defeat your acts against the trade with Canada, but by the diligence and ability of your agents the justice of your laws has been so well represented that the success has been in your favor.

It is now more and more evident every year of how great advantage these laws have been to the trade and security of this Province.

The quantity of peltry brought from the country of the Five Nations during this summer has far exceeded our expectations, and is more than what used to come from Canada; and the far Indians from the lakes have, as I am informed, all stopped at our trading places, and none of them proceeded to Montreal as they used to do. I am confident that surprising success and good effect of this new trade, and the applause it has met with in Great Britain will engage you to take effectual measures to encourage it by renewing and enforcing the prohibition of that pernicious trade of Indian goods to Canada, and by providing amply for the charges necessary to keep the Indians faithful to us.[1] To this end it will be requisite that some fit persons be appointed constantly to reside among the Onondagas as well as the Sinnekas (Senecas), who may be always ready to defeat the acts which the French industriously employ to seduce those Indians. I have begun with this subject and dwelt the longer upon it because it highly concerns your safety.

The revenue for the support of this government is near its expiration. I depend on your own observation and experience to plead with you for as ample and extensive provision for the time to come.[2]

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1 An act, chap. 465, was passed November 10th to revive and continue several acts intended to restrict trade with the French.

2 See the Governor's speech of October 27th. An act, chap. 464, passed November 10th, continued in force a large amount represented by bills of credit, which by earlier acts were to be "sunk and destroyed."

Where actions ought to speak, words should not be offered. I shall only recommend the officers of the government to your care, who in doing their duty are often liable to private resentments, and are, on that account entitled to protection as well as subsistence from the legislature, and without a sufficient number of officers, the administration cannot be carried on and the laws might lose their force.

The provision you have already made for renewing the decayed buildings of the fort, will I believe appear to you to have been frugally and effectually employed, and I depend on your coming to a resolution that so good a design shall not fail of what is still wanting to complete it.

I can acquaint you with a further instance besides what I have mentioned of the diligence of your agents in the service of the Province, and particularly for the benefit of this city, and that is, the soliciting by my directions the east end of Long Island to be restored to the district of the Collector of New York.

You cannot desire more convincing proofs of the usefulness of having such agents, and therefore I rely on your making good your former engagements to them, and on your giving them marks of your esteem and confidence in continuing their appointment for a longer term than you have hitherto done, and providing suitably for their payment.

I have now gone through the several particulars which I had to lay before you, and I shall only add this general consideration to enforce them all: that at this time the happy agreement that has always subsisted between his Majesty and his Parliament ever since his accession to the Crown is the admiration of all Europe, and the glory of the British nation. I am persuaded you will do your part in following so great an example, and that you will regard what I propose to you only as it tends to his Majesty's service.

WILLIAM BURNET.

SPECIAL MESSAGES.

August 31. Approving the choice of a Speaker, and urging immediate measures to procure the attendance of absent members.

September 13. Stephen De Lancey having been elected to the Assembly from New York to fill a vacancy, a question arose as to his qualification to sit as a member. The Governor when requested to administer the oaths to Mr. De Lancey, suggested a doubt as to his eligibility on the ground that he was not a British subject. Mr. De Lancey produced a certificate of denization in England, and a similar certificate from Governor Dongan issued in 1686, and also proved that he had sat in several New York Assemblies. The question was referred to the Chief Justice, who rendered a long opinion practically sustaining Mr. De Lancey's claim. The Assembly adopted a resolution declaring him entitled to sit as a member. September 21, the Governor administered the oaths to Mr. De Lancey, and he took his seat in the Assembly.

September 21. Transmitting the Chief Justice's opinion in De Lancey's case, and also an extract of a letter from Mr. Le Heup, and a letter from the Commissioners of Indian Affairs in Albany.

September 22. Transmitting a list signed by Philip Livingston, showing "the several persons who have gone and traded with the far nations of Indians this spring, the number of canoes, as also the packs of beaver and deer skins (besides peltry), brought down, amounting to 57 canoes, and 738 bundles of beaver and deer skins."

October 5. Advising the Assembly that he had no objection to an act for the relief of the widow of Goose Van Schaick.[3]

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[3] A recognizance given by Goosen Van Schaick was discharged by an act, chap. 466, passed November 10th.

October 8. Transmitting papers relating to the Connecticut boundary line.

October 27. In response to the Governor's command the Assembly met in the Council Chamber at the Fort. The Governor delivered a speech, in which he said:

"I have put an end to the last session, that I might have a fresh opportunity of recommending to you, to provide as honorable and ample a supply for the support of this Government, and for as long a term as was established upon my arrival.

It has not been pretended that any inconvenience has arisen from the confidence you then expressed in the administration, and therefore I cannot in duty to his Majesty, and in justice to my own conduct, agree to a less sufficient provision, or to a shorter term.

The administration of justice will require the same encouragement, and the collection of the revenue the same officers; without such necessary precautions, there will be great deficiencies, and the burthen must at last fall upon the land.

If there are any laws formerly passed in this Province, which you are desirous to have now confirmed by his Majesty, the Agents only want your instructions to solicit for them; and I shall very readily join my hearty endeavors to obtain whatever will be to your satisfaction."

This indicates a difference of opinion between the Governor and Assembly as to revenue measures.

November 4. The Governor expressed his willingness that the consideration of the revenue be referred to the spring, but he thought immediate consideration should be given to the repairs of the fort; to the providing for money for the encouragement of persons to reside this winter among the Six Nations of Indians; to the payment of amounts due to the agents, and the appointment of an agent for the time to come. The Governor informed the Assembly that Mr. Bamfield, the Colony's agent, had withdrawn from London, and Peter Le Heup was suggested for appointment as sole agent of the colony.

The same day the Assembly adopted a resolution postponing consideration of revenue matters until the next session. Other subjects referred to in the Governor's communication were also postponed until the next session, at which time an act was passed, June 17, 1726, for the payment of amounts due to agents, the completion of Fort George, and making a loan and imposing a tax for these and other purposes.

November 10. The Assembly was adjourned to the second Tuesday in March, 1726.

1726. APRIL. SEVENTEENTH ASSEMBLY, FIFTEENTH SESSION.

WILLIAM BURNET, Governor.

The second Tuesday in March had been fixed as the date for the opening of the spring session, but the Assembly did not meet until the 5th of April. On the 6th, the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—I can never begin with a subject more worthy of your attention than the admirable effects of the uninterrupted harmony that subsists between our most gracious sovereign and his parliament. Our enemies have had no other hopes but from their unwearied artifices and even popular pretences to weaken this mutual confidence, but without effect, and this happy union it is that renders Great Britain a pattern to all Europe in time of peace and lodges the balance of power in its hands in case of a war.

Though you cannot equal his Majesty's subjects at home in ability to serve him, yet I am persuaded that you will not yield to any in loyalty and inclination.

The great and constant charge at which Great Britain maintains forces for the defence of this province in a more

eminent manner than any of the neighboring provinces partake of, as it is a very distinguishing mark of his Majesty's royal care, so it calls upon you to make the most natural returns for so singular a favor by providing honorably and amply for the support of his government here, and since the sums which you have usually raised for that purpose have not amounted to anything near to so much as those issued from Great Britain for your security, it should induce you rather to think of increasing than lessening your supply, and rather of extending than of shortening the time of its continuance; and as no occasion has been given to alter your former good opinion of the administration, I have reason to depend on your providing in the most hearty and effectual manner for the support of it in all its branches.[1]

I wish I could say the laws for promoting a trade with the far Indians and prohibiting it with Canada had been as duly executed as they were well intended, and I leave it to your consideration whether a method less severe may not be more effectual.

The great success we have already had in the trade upon the river of Onondaga, and the noble spirit that animates the people to go on with it, gives us encouragement to leave no means untried to establish and increase it.

The only danger we have to apprehend is from the unwearied artifices of the inhabitants of Canada among our Indians to alienate their affections, and particularly to interrupt this trade, which has put them in great consternation, because it is so sure a means to strengthen our interest and to weaken theirs with all the nations of North America.

I am sorry to inform you that they have taken great advantage this winter of the want of proper persons from this government residing among the Onondagas and Sin-

[1] June 17th a revenue act, chap. 467, was passed to continue in force three years.

necas [Senecas], and have instilled groundless fears into the minds of the Five Nations of dangers that may arise to them by this open trade with the far Indians, which I have done my utmost endeavor to remove, but I am convinced that the most effectual means to keep them steady will be your enabling me to maintain a sufficient number of fit persons constantly among them as I have formerly done with good success.[2]

If I am earnest with you on this head, it is your safety and that of your posterity that makes me so; all that I desire of you is not to be wanting to yourselves. Your agent, who is ever watchful in what relates to your interest, has acquainted me by the first opportunity he had that some application had been made at home to your disadvantage, which I will communicate to you.

This with many other instances of his ability and diligence will I doubt not confirm you in the resolution taken in your last sessions upon that head.[3]

I have received a letter from the Governor of Connecticut about finishing the partition line, which I will lay before you that you make provision for so necessary a work.

I need now only remind you that the repairs of the building in the fort stand in need of your immediate care that the season proper to finish them may not be lost.[4]

I have no greater pleasure than in contributing to the public service, and if there are any new laws wanting to that end, or any former laws that you are desirous to have recommended for his Majesty's confirmation, you may depend on my readiness and zeal to join with you in that or anything else that can make this Province happy and flourishing.

W. BURNET.

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2 A new act relating to trade with the Indians was passed June 17th, chap. 469.

3 An act, chap. 468, passed June 17th, provided for discharging the claims of the agent.

4 An act, chap. 468, passed June 17th, provided for completing the buildings in Fort George.

SPECIAL MESSAGES.

April 6. Transmitting a copy of a letter from Mr. Le Heup, from which it appeared that the government of Boston had presented an address to the King desiring that "New York be required to send a quota of men and money to their assistance, in their war with the Eastern Indians;" also a copy of a letter from the Governor of Connecticut relative to the boundary line between that colony and New York; and copies of papers relating to Indian affairs.

April 8. Approving an adjournment of the Assembly over the Easter holidays.

April 15. Transmitting an extract from a letter received from Sir William Keith, Governor of Pennsylvania "desiring to know whether this government will join in the charge and solicitation, that foreign European salt may be imported in that and this Province, as well as in New England."

April 15. Thanking the Assembly for its address, and contradicting a report in circulation that the money to be raised for the support of government was to be applied to the Governor's private use, and in case of his death or removal to go to his executors.

May 4. Transmitting several communications relating to Indian affairs.

June 7. Relative to a joint committee to compare and examine laws passed at several sessions during the Governor's administration.

June 17. Transmitting letters from Abraham Schuyler, agent among the Five Nations; also another from the Indian commissioners.

June 17. The Assembly was adjourned to the last Tuesday in September.

1726. SEPTEMBER. EIGHTEENTH ASSEMBLY, FIRST SESSION.

WILLIAM BURNET, Governor.

The Seventeenth Assembly had been adjourned to the 27th of September, 1726, but on the 10th of August it was dissolved by the Governor's proclamation. Governor Burnet in a letter to the Lords of Trade dated October 14, 1726, says of this dissolution that the Assembly had not "granted his Majesty's revenue in so ample and honorable manner as they had done formerly. Besides they had subsisted during the term of eleven years, and I found it would highly please the people to have a new choice which has accordingly been made."

On the 11th of August writs of election were ordered issued, returnable in forty days (September 21), but the Assembly was twice prorogued and did not meet until the 27th, which was the same day fixed by adjournment for the meeting of the last Assembly. On that day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The choice which the people of this Province have so lately made of you to represent them gives me a fresh opportunity of knowing their sentiments and inclinations. I have always endeavored to promote their interest to the utmost of my ability, and it will add to my satisfaction to do it in the manner which they themselves desire.

When you inquire into the state of the present revenue, I believe you will find it insufficient to answer the usual expense for the support of the government, and considering the flourishing and increasing condition of the colony, it would be to its dishonor as well as disadvantage to lessen

the encouragement that has been given to the necessary officers of the government. I depend on your readiness to supply this deficiency which will be the most solid and convincing proof of your gratitude to the best of Kings, who has shown during the whole course of his reign that the constant employment of his thoughts and the most earnest wishes of his heart tend wholly to the securing to his subjects their just rights and advantages. You need not fear that any of his servants will dare to abuse the confidence reposed in them when they must expect that their great neglect of duty or abuse of trust will draw upon them his just displeasure.[1]

You will find that the supply last provided for finishing the new apartments in the fort of New York has been employed with the utmost frugality, and I hope that by the

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1 October 13th the Assembly presented to the Governor an address relating to revenue, in which, after stating that the subject of colonial finances had been carefully examined, the opinion is expressed that "the said duties and the taxes laid by the act for the support of government, during the term of three years, will fully answer to discharge all the salaries of the necessary officers, and all contingent charges and services of the government, as the same were resolved to be provided for, by the late General Assembly." "And we humbly beg leave to assure your Excellency, that if the said duties and taxes should happen to prove insufficient to discharge the salaries and services aforesaid, the General Assembly will cheerfully find out ways and means, effectually to make good such deficiency, and they conceive on the other hand, that if it should exceed, such surplus ought to remain in the treasury, towards support of Government after the expiration of the said three years."

The Assembly also expressed the opinion that the several salaries, contingencies and services resolved upon by the last Assembly at its last session "are ample and sufficient, and that no augmentation ought to be made thereto, nor any alteration therein during the aforesaid three years," and requested the Governor not to issue warrants for any increased amounts. The Governor replied to this address that it being of an extraordinary nature, he intended to lay it before the Council for advice. October 21st the Council reported, reciting previous action by the Assembly, and expressing the opinion that the Governor "is not and cannot be restrained by any votes or resolves of the Assembly" in executing the powers conferred on him by his Commission and confirmed by the revenue law. The Council also say that fixing the number and compensation of officers "nearly concerns his Majesty's prerogative" and that any assumption of authority over these matters by the Assembly may in time encroach upon that prerogative.

same management the repairs of the roof of the chapel and the barracks, which are in a condition entirely ruinous, will require no very large sum, though it is plain that the charge of doing it will increase considerably if it is delayed any longer than the next spring, which obliges me to recommend it to your care at present, that provision may be made for so pressing and necessary a work.[2]

I must remind you that your agent continues his watchfulness and diligence over the interest of the country, though he has remained a long time without any allowance. So generous a conduct on his part will not fail of engaging you to take care that his past services may not go unrewarded, and that so useful a person may be fixed in your service and a settled provision made for his encouragement.[3]

I shall lay before you my late conferences with the Six Nations, in which I flatter myself that I have contributed not a little to fix them in their duty to his Majesty, their affection to this government, and their just apprehensions of the ill designs of the people of Canada in fortifying so near to them at *Iagara* [Niagara]. I have sent a fit person to reside among the Sinnekes [Senecas] this winter, who is not permitted to trade, and will thereby have the more weight and credit with them. I doubt not of your joining with me in taking such farther measures as are necessary to make the Six Nations remain an effectual security to our frontier. The indefatigable endeavors of the French to employ all possible methods, whether of art or force, to make themselves masters of those nations, show what opinion they have of their importance, and their diligence calls upon us to lose no time and spare no cost in

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2 November 10th, the Assembly appointed a committee to take charge of the repairs to the chapel and barracks in Fort George.

3 An act, chap. 498, providing for an agent of the colony at the court of Great Britain was passed November 11th. See ante p. 218, note 3, for act to discharge claims of colonial agents.

disappointing such dangerous attempts and in doing everything that may conduce to our safety on that side.

The trade on the Onondaga River has increased considerably, and by the best inquiry I could make, more of the far Indians have been there this summer than ever before, but I must express to you my concern at the disorderly and fraudulent conduct of some of our own people at that trading place who have used many of the Indians in an unjust and sometimes in a violent manner. These abuses, if not remedied and prevented in time, may give such a disgust to the Indians as to discourage them from continuing to come thither on account of trade, and thereby lose the good effect of what has been so happily begun, and carried on with so much success. I hope you will think of proper expedients to cure this growing evil, and among other things I am of opinion that if that trade be confined to a certain place, and a fit person appointed to reside there during the season, with power to receive complaints from the Indians and redress their grievances, and the traders obliged to be determined by their judgment, on pain of being fined in case of refusal, it might go a great ways to answer the end proposed.[4] I shall very gladly join with you in this or any other proper measure to increase and preserve our interest with the far nations, which this trade will undoubtedly do when duly regulated. You may depend on my concurrence to the utmost of my power in any laws that you shall frame for the public good, and in my hearty endeavors to obtain his Majesty's confirmation of them, and of as many of the laws formerly enacted as you shall desire, which will at the same time require the continual solicitation of your agent at home.

And now, Gentlemen, I have mentioned to you what particulars I had to recommend for the public service; I

[4] Trade at Albany with the Indians was regulated by an act, chap. 497, passed November 11th. Another act, chap. 499, passed the same day, regulated and secured the Indian trade to the westward of Albany.

have only to add in general, that I hope your present meeting will be an eminent instance of the good effects of an entire confidence between the several branches of the legislature; it would then appear in the clearest light that an administration is never so strong and well supported as by the general voice of the people, nor the people ever so well secured in their liberty and property as by the governments being enabled to see the laws executed.

W. BURNET.

SPECIAL MESSAGES.

September 29. Acknowledging an address from the Assembly.

October 17. Transmitting the results of a recent conference with the Six Nations at Albany.

October 24. Transmitting a copy of a letter from the Governor of Connecticut relating to the boundary line between the two colonies.

October 28. Transmitting a petition from Anna Dorothy Barclay for payment of a claim for board and care furnished to Michael, an Indian.[5]

November 11. The Assembly was adjourned to the third Tuesday in March, 1727.

1727. SEPTEMBER. NINETEENTH ASSEMBLY, FIRST SESSION.

WILLIAM BURNET, Governor.

The Eighteenth Assembly held only one session, at the close of which it was adjourned to the third Tuesday in March, 1727. It was continued by several executive adjournments, the last of which, made on the 7th of August,

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[5] The Assembly passed a resolution November 10th, declaring that the Barclay claim should have been paid by the Commissioners of Indian Affairs at Albany, and recommending that it be referred to them.

was to the first Tuesday of September; but in the meantime, on the 12th of June, 1727, occurred the death of George I, who was succeeded by George II, whose accession was proclaimed in New York on the 21st of August, and on the same day writs of election were issued for a new Assembly to meet September 30. The Assembly met on that day, and the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The death of our late Sovereign of ever glorious memory, and the happy accession of his most excellent Majesty, have already filled your hearts with all that dutiful subjects must feel upon so great an occasion, and the choice which the people have at this time made of you to represent them, gives you an early opportunity of expressing their loyal sentiments upon it.

You find that I have lost no time nor spared no expense in order to secure the Five Nations to the British interest, by making a settlement of some strength among them convenient for trade with the far Indians as well as themselves, and by supporting it in such a manner as I hope with your assistance will prevent any attempts against it. The consequence of this undertaking cannot appear better than by the great uneasiness it has given to the French who seem apprehensive that the unjustifiable pretensions and encroachments upon our Indians and their endeavors to engross the trade with all the far nations will be defeated by it. That they are under so much concern you will plainly see by the Governor of Canada's summons to my officer at Oswego to abandon it, and by his letter delivered to me by the Governor of Trois Rivers, wherein he complains of the enterprise in the strongest terms, which papers together with my answer I shall lay before you.

I cannot avoid observing to you that the fund provided by the late Assembly for this service has not in any ways

answered the greatness of the charge, nor even any part worth mentioning of what it was intended to produce, so that the whole has been performed at my own expense, or upon my private credit, and this burden I choose to take entirely on myself rather than suffer the design to run the risk of being lost, as it probably would do by the the least delay. I have thus engaged myself upon a full confidence that you would not fail to provide for the immediate discharge of a debt contracted for the Province when its safety required it in the most pressing manner.[1] The particulars shall be laid before you as far the accounts are completed, and I hope you will make a large allowance for what is not yet brought to account, and make full provision of what shall be requisite for the next year to support and maintain this important post.

I must remind you of the inconveniences which arise from the limits of the Province being undetermined. This is not only a great discouragement to its being well peopled and improved, but likewise a constant occasion of quarrels with our neighbors. Our late agreement with the government of Connecticut has indeed put a stop to them for the present on that side, but unless you make provision for completing the lines to be run in consequence of it, which that province has made repeated application to have done, the mischiefs intended to be prevented by that agreement may possibly happen. You are no strangers to the differences which have subsisted for some years between the patentees of Westenhook and the inhabitants of the Province of Massachusetts Bay; upon the application of those patentees I have made an agreement with that government to abstain on both sides from any new attempts till the lines between that province and this shall be run, and their Assembly has made a proposal to treat with this govern-

[1] November 25th, an act, chap. 500, was passed relating to the trading house at Oswego, and to trade with the Indians. This act provided for reimbursing the Governor for expenses incurred by him.

ment about those limits and have named commissioners for that purpose.

I shall lay their resolves before you that you may take such measures on that head as you shall think expedient.

There has been so much already done to beautify and repair the buildings in the fort that I am persuaded you will not leave that work imperfect. The soldiers' barracks are in a very ruinous condition and will require a much greater charge if what is necessary to keep them from falling be not done without delay.[2]

I have lately been informed of disturbances that have happened between the inhabitants of Orange County in this Province and Hunterdon County in New Jersey, which I know of no expedient to put an end to, but by completing the division line on that side which will require a sufficient provision from you.[3]

I have the satisfaction to inform you that your agent has been very active in soliciting the affairs of this Province, and particularly that he has succeeded in obtaining that pressing instances might be made at the court of France against the stone house at Niagara.

You cannot but be sensible that his vigilance will be very requisite to prevent any misrepresentations which the French may make of our building at Oswego, as well as to bring the other matters committed to his care to a happy conclusion, and therefore I make no question of your continuing to give him all suitable encouragement.[4]

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[2] A resolution was adopted November 24th, reciting the expenditure of upwards of two thousand six hundred and twelve pounds for the repair of buildings, chapel and barracks at the Fort, and expressing the opinion that any further repairs should be paid for out of the two hundred pounds allowed for repairing the fortifications.

[3] November 24th, the Assembly adopted a resolution to consider the boundary questions at the next session.

[4] November 24th, the Assembly adopted a resolution promising that at the next session provision would be made for discharging the claims of the agent.

The season of the year being so far advanced I hope you will proceed with all possible dispatch that you may finish what I have recommended to you, and if you have anything to propose for the benefit of the country, I shall very readily join with you to the utmost of my power.

W. BURNET.

SPECIAL MESSAGES.

October 4. Transmitting copies of the following papers: two letters from the Governor of Canada; the Governor's answer to one of them; resolves of the Assembly of the colony of Massachusetts Bay concerning the division line between the Province of New York and that colony. (See note 3.)

October 7. Thanking the Assembly for its address.

October 9. Relative to a joint committee to prepare an address to the King. The address was approved and signed October 20.

October 16. Transmitting a statement of the expenses incurred in building the trading house at Oswego. (See note 1.)

October 17. Transmitting several papers relating to Indian affairs. (See note 1.)

October 18. Transmitting a statement of expenses for services in the Indian country. (See note 1.)

October 25. Presenting a list of warrants drawn for expenses incurred in promoting trade with the Indians. (See note 1.)

November 1. Transmitting a statement of expenses for transportation of supplies to the Governor's company at Albany; and an estimate of the amount needed for support of the garrison at Oswego during the ensuing year. (See note 1.)

November 4. Presenting an account for the transportation of eleven soldiers.

November 25. The Assembly, instead of being adjourned as usual, was dissolved. On this day the Assembly adopted a preamble and resolutions reciting grievances and oppressions which had come upon the colony by means of the court of chancery, declaring that the establishment of the court without the consent of the Assembly was unwarrantable, contrary to the laws of England, and of pernicious consequence to their liberties and properties, and also declaring the intention of the Assembly to enact remedial legislation at its next session. These resolutions were deemed sufficient to justify the dissolution of the Assembly. Governor Burnet in a letter to the Lords of Trade, dated December 21, 1727 (Col. Doc. vol. 5, p. 847), says the resolutions were adopted at the suggestion of the Speaker, Adolph Philipse, who had recently lost a cause in the court of chancery.

1728. JULY. TWENTIETH ASSEMBLY, FIRST SESSION.

JOHN MONTGOMERIE, Governor.

The Nineteenth Assembly was dissolved November 25, 1727, and on the 12th of February following writs of election were issued for a new Assembly to meet the 25th of March. A new Governor, John Montgomerie, had already been appointed by a commission dated October 4, 1727, but he had not yet arrived in New York. The Assembly, which was chosen under the writs of election issued the 12th of February, did not meet, but was prorogued by Governor Burnet, who announced that he would continue the prorogations until the arrival of his successor.

Governor Montgomerie arrived in New York on the 15th of April, 1728, and on the 20th dissolved the Assembly. In a letter to the Lords of Trade, dated May 6, 1728 (Col. Doc. vol. 5, p. 856), he says that upon his arrival application

was immediately made to him, and that the people of the best interest of the Province advised him to dissolve the new Assembly; he also says he consulted every member of the Council singly, and others. They all unanimously, and even Governor Burnet himself, advised him to call a new Assembly "as the most probable way to compose differences and reconcile all animosities." Another Assembly was called which met on the 23d of July. The same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—When his Majesty did me the honor to appoint me Governor of this Province I was very sensible of my own insufficiency for so great a trust, yet I willingly undertook it, thinking it my duty to serve my King and country in whatever station his Majesty was pleased to employ me.

It was no small encouragement for me to hear before I left England a general good character of the inhabitants of this Province, and I hope after being sometime longer with you I shall be able to vouch it by experience.

You who are the free choice and representatives of a people who I have so much reason to believe are well principled, I hope are met together determined to support his Majesty's government by settling upon him a revenue in as ample a manner and at least for as long a time as former assemblies have given it to his predecessors. By so doing you will express your loyalty and gratitude to the best of Kings, who is able and willing to secure to you your religion, laws, liberties and properties, is ready to protect the trade you are at present possessed of, and is graciously resolved to encourage the increase of your commerce and the encouraging of your manufactures.[1]

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1 August 31st, an act was passed, chap. 516, for the support of government, which was to be in force five years.

I am fully instructed to concur with you in everything that is for the real good and interest of the Province, and to take particular care that you enjoy your rights and privileges in their full extent; at the same time I am commanded to support his Majesty's royal prerogative, which I will do with the greatest zeal, and if any factious and presumptious attempt be made against so essential a part of the constitution, I expect that you will oppose it.

GENTLEMEN.—I confide so much in the good intentions of this Assembly that I shall not propose to you any particular method of supporting the government, or securing the Province and its frontiers, where all the garrisons are in a ruinous condition. The things I recommend to you are for your honor and safety, and your doing them effectually will confirm his Majesty of the good opinion he has of his subjects here.

SPECIAL MESSAGES.

July 25. Thanking the Assembly for its address, and informing them that the King had ordered him to preserve their just rights and liberties.

August 1. Transmitting copies of letters and other papers relating to Indian affairs.

August 2. Presenting an account in favor of the late Governor Burnet for supplies furnished to a detachment sent to Oswego.

August 23. Transmitting the King's veto of an act passed November 11, 1726, "for the easier partition of lands held in common, and promoting the settling and improvement thereof, and for confirming former divisions of the settled townships of this Colony."

August 23. Informing the Assembly of the ruinous condition of frontier garrisons and of the fort at New York,[2]

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2 An act, chap. 530, passed September 20th, appropriated two hundred pounds for the repair of the barracks at New York.

and expressing the opinion that the regular appropriation for their repair would be insufficient.

September 21. The Assembly was adjourned to the first Tuesday in April.

1729. MAY. TWENTIETH ASSEMBLY, SECOND SESSION.

JOHN MONTGOMERIE, Governor.

The Assembly met May 13. The next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—I have called you together to concert and concur with you in advancing the interest and prosperity of this Province, and I take this occasion of acquainting you that since your adjournment I met the Six Nations of Indians at Albany, and I do assure you with great pleasure and satisfaction, that I find them thoroughly attached to our interest. You will see this confirmed by their public conferences with me, which if you desire shall be laid before you.

They think the house at Oswego, which has been builded and hitherto supported by you, of so great consequence to themselves and us that they expect you will keep a garrison there, and we shall appear very contemptible in the eyes of the world if you do not seasonably and amply provide for the maintenance and support of it, which I earnestly and heartily recommend to you.[1]

The Indians on their part promise to assist us against any power that dares to attack it.

I am sorry that the expenses of that place have been so burthensome to the Province, but I believe there will be

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1 July 12th, an act was passed, chap. 542, to provide for maintaining the trading house at Oswego.

methods proposed to you of doing it at far less charge than what it has hitherto cost you. I leave that entirely to your consideration, not doubting but you will provide for it effectually, and the less expense the Province is at, it will be the more pleasing to me.

I have one thing more to recommend to you, which is appointing an agent to solicit your affairs at the court of Great Britain, and I must take this occasion of doing justice to the gentleman you last employed by letting you know that to my certain knowledge he served you diligently and honestly, and very well deserves the continuance of the trust you reposed in him.[2]

J. MONTGOMERIE.

SPECIAL MESSAGES.

May 19. Presenting accounts relating to Oswego, and a state of the frontier garrisons. (See note 1.)

May 21. Transmitting a treaty made by the Governor with the Six Nations in October, 1728; and also the proceedings of the commissioners appointed to recover the fines and forfeitures in the county of Albany.

May 30. Transmitting letters and other papers relating to Indian affairs.

June 11. A committee of the Assembly having recommended the importation of European salt, the Governor was requested to present the subject to the Council, and endeavor to procure an act of Parliament relative to such importation. The Governor replied, expressing the opinion that the Council would "readily join therein, and that for his part, he would not only readily concur, but likewise write to the Speaker and some members of the House of Commons in favor of such an act." The next day a joint committee was appointed to prepare a memorial to Parliament.

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[2] By an act passed July 12th, chap. 541, Peter Le Heup was reappointed agent and provision was made for his compensation.

June 16. Transmitting letters from the Governor of Connecticut relative to the boundary line between the two colonies.

June 23. The Assembly having received a petition from justices of the peace of Albany, complaining of prosecutions by the Attorney-General for alleged negligence in failing to keep the Albany jail in proper repair, submitted it to the Governor, who in reply assured the Assembly that it would be his constant endeavor to make the people under his government as easy as it was in his power.

June 24. Transmitting a letter from David Humphreys,

"Secretary to the Society for the Propagation of the Gospel in foreign Parts, dated in London, the 23d of September last, directed to his said Excellency, importing, that whereas a large and valuable library of books, consisting of about a thousand volumes, had been bequeathed to them, by the late Dr. Millington, Rector of Newington; and that the Society being desirous to place the same where it might be most useful abroad, had agreed to fix it in the city of New York. But it being their intention it should be established a Library, from which the clergy and gentlemen of this Government, and Jersey, Pennsylvania and Connecticut, might borrow books to read, upon giving security to return them within a limited time; it was their desire that a proper method should be taken for the preservation of the books, before they send them over; and therefore, desired it might be recommended to the Assembly, that a proper place may be provided, wherein this Library may be reposited for the public use, and that an act be made, providing for the due preservation of these Books, and all others which shall be added to them.

Which letter being read, the House do in the most grateful manner acknowledge the favorable intention of the Society towards this Place in prefering it before any of his

Majesty's other Plantations on this Continent, to reposite a Library in, which will not only redound to the Reputation of this Colony, but be vastly useful and beneficial to the inhabitants thereof. But before the House proceed to take any resolutions thereon, it is

ORDERED, That the Clerk deliver a Copy of this minute to the Mayor of the City of New York, who is desired to convene the Common Council upon the subject matter thereof, and that they make return to this House whether that Corporation already have a proper and convenient place for such a Library, and are willing to make it suitable for that use."

On the 27th the Assembly received the following:

"We the Mayor, Recorder, Aldermen and Assistants, of the City of New York, convened in Common Council, are very thankful for the message sent down to us by the honorable House, concerning a proper repository for the Library of the Reverend Dr. Millington, offered to this Province by the venerable the Society for Propagation of the Gospel. We are truly sensible of the great advantages which may arise from so generous and seasonable a present, and we are zealously disposed to receive the same; and in order thereto, we do resolve to provide a large room for their accommodation, which shall be at any time hereafter, ready for that purpose; but as we are ignorant at present of what volumes the said library does consist, we cannot put that room into the necessary order, by preparing shelves, desks, seats and other accommodations, as we are inclined to do.

The confirmation and enjoyment of this favor we hope for, from the recommendations and assistance of his Excellency the Governor and the honorable House, and we will not be wanting on our parts to deserve the same."

The Assembly directed the foregoing communication to be presented to the Governor, with a request that he transmit it, together with the minute of the action of the As-

sembly, to the Society for the Propagation of the Gospel in Foreign Parts, "and to assure them this House is heartily disposed to pass an act for the due preservation of the books when here."

July 11. Transmitting the King's veto of an act passed November 25, 1727, to prevent prosecutions by information.

July 12. The Assembly was adjourned to the first Tuesday in October.

1730. AUGUST. TWENTIETH ASSEMBLY, THIRD SESSION.

JOHN MONTGOMERIE, Governor.

This session, after several adjournments, opened August 25, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—The principal reason of my calling you together at this time is to acquaint you that his Majesty has disallowed all the acts you have passed prohibiting the selling of Indian goods to the French, or laying duties on them from the year 1720 to the year 1729, which I believe is what you expected from the late accounts we have had from England.

By the repeal of these acts which I shall lay before you, the last provision you made for the support of the house and garrison at Oswego is rendered altogether ineffectual.

Every man who knows the interest and circumstances of this province must be very sensible of the importance of that place, on which chiefly depends the prosperity and success of your Indian trade, the fidelity and obedience of the Six Nations to the crown of Great Britain, and a protection and defence of your frontier settlements. The season of the year for transporting men and provisions being now far advanced, I earnestly desire that you will

speedily provide effectual and unexceptionable supplies for this service.[1]

I also expect you will take into your serious consideration the ruinous condition of all the other frontier garrisons, and the miserable state of the officers' barracks in the fort at New York.[2]

It gives me very great uneasiness to propose any expense to the Province, but the things I have mentioned are so absolutely necessary for his Majesty's service and safety of his subjects, that I think myself indispensably obliged to recommend them most earnestly to you.

J. MONTGOMERIE.

SPECIAL MESSAGES.

August 26. Transmitting the King's veto of all acts passed by the colonial legislature from 1720 to 1729, prohibiting the selling of Indian goods to the French, or laying duties on them. Petitions against the acts had been presented by merchants of New York and London, and by manufacturers engaged in the fur trade. The Privy Council, in its report on the acts, expressed the opinion that "the fur trade which is of great importance to his Majesty's subjects, appears to be highly affected by the said acts, and that the clauses relating to the execution of the said acts are grevious and oppressive."

September 9. The Assembly proposed a joint committee of the two houses to prepare a memorial to the King, showing what had been done in relation to the Indian trade, particularly at Oswego, and praying that the expense necessary to support the trading house erected there, may be borne either by the trade itself, or by those who reap the only benefit of it. The Governor was requested to join in and promote the memorial.

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[1] An act, chap. 561, passed October 29th, provided for maintaining the troops at Oswego.

[2] Action relating to the frontiers and the Fort George barracks is noted under Special Messages of October 1st and 17th.

Two days later the Governor, replying to the Assembly resolution, said he would acquaint the Council with the matter in order to appoint members of the joint committee. A joint committee was subsequently appointed, and a memorial was sent to the home government.

October 1. The Assembly, having adopted a resolution requesting the Governor to cause a plan to be made of a new stone fort at Albany, with sufficient barracks for the garrison therein, and to make an estimate of its cost, the Governor replied that he would "not only cause the ground to be viewed and a plan of a proper fort to be made, but also consult able workmen to make an estimate of the cost thereof, in order to lay the same before this house next session."

October 17. Replying to an Assembly resolution requesting the Governor to expend one hundred and fifty pounds in repairs on the officers' barracks at Fort George, the Governor said he would lay the matter before the Council, "and cause the said barracks to be repaired in the most frugal manner."

October 19. Presenting accounts relating to the trading house at Oswego.

October 28. Advising the Assembly, in response to its resolution, that he would publish a proclamation in the New York Gazette, offering a reward for the apprehension of a notorious horse thief.

October 29. The Assembly was adjourned to the second Tuesday in March.

1731. AUGUST. TWENTIETH ASSEMBLY, FOURTH SESSION.

RIP VAN DAM, President of the Council.

Governor Montgomerie died July 1, 1731. By his death, executive authority became vested in Rip Van Dam, president of the Council,

The Assembly had been adjourned to the second Tuesday of March, but was continued by prorogation under proclamations issued by the late Governor, and also by President Van Dam. The fourth session opened August 25, at the house of Harmanus Rutgers "near the Fresh Water." The President and Council met at Captain Kippen's house, where they were joined later in the day by the Assembly, at the request of the President, who then delivered the following

OPENING SPEECH.

Gentlemen.—Upon the death of our late Governor, John Montgomerie, esquire, the powers and authorities by his Majesty's commission and instruction given to him devolving on me, I have thought fit, by and with the advice of his Majesty's Council, to call you together at this time to make such acts and such provision as are immediately necessary for his Majesty's service, the security of the Province and the preservation of the peace thereof.

I must in a particular manner recommend that timely and effectual provisions may be made for supporting the post of Oswego and the troops posted in it, and to regulate the Indian trade there as the most probable method to increase the fur trade and to draw the remote Indians, and to confirm the Six Nations in their fidelity and obedience to the Crown of Great Britain.[1]

I must likewise recommend to your serious consideration the ruinous and bad condition of our frontier garrisons, which requires your particular care, especially the building of a fort at Albany according to the resolve last session.[2]

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1 September 30th an act, chap. 568, was passed for the support of the troops at Oswego, and for the regulation of trade there.

2 The Assembly adopted a resolution on the 28th of August, postponing until the next session the subject of a new fort at Albany, but on the 30th of September an act was passed providing for the erection of two block houses at Albany, in accordance with acts relating to that subject passed in 1724 and 1726.

I need not put you in mind that a new act ought to be made for letting to farm the excise of strong liquors retailed in this Province,[3] that act being nigh expiring, and if you think other acts shall be immediately necessary for his Majesty's service or the good of this Province, you shall find me ready to concur with you therein.

The nature of the business to be before you requires dispatch, and your own good understanding will I doubt not produce a suitable unanimity that neither you nor the country may be burthened by a long session.

RIP VAN DAM.

SPECIAL MESSAGES.

August 30. Transmitting a communication from the Commissioners of Indian Affairs at Albany; instructions by the Commissioners to the Indian interpreter on the Governor's death, and also a conference with some of the Indians; a report by the interpreter; other letters relating to Indian affairs, and reports concerning the garrisons at Albany and Schenectady.

August 31. Approving a transfer of the session of the Assembly to the City Hall. According to the journal this change was made because it was discovered that a person was ill with the smallpox in the house where the session was being held. More than one third of the members had never had that distemper, and had determined not to appear any more during the session.

September 2. The Assembly, having proposed a joint committee to prepare a protest against a pending bill in Parliament for the better securing and encouraging the sugar colonies in America on the ground that such an act would injure the northern colonies, the President said he would not only lay the matter before the Council, but promote it himself. A committee was accordingly appointed, and a memorial was transmitted to the home government.

[3] An excise law, chap 564, was passed September 30th.

September 8. Transmitting a letter from Governor Belcher of Massachusetts to the late Governor Montgomerie, relating to the boundary between the two colonies.

September 30. Transmitting a report from the Commissioners of Indian Affairs at Albany.

"Importing that the French, with about eighty men had built a fort and enclosed it with stockadoes at the Crown Point, on the south end of Corlar's Lake, near the carrying place above Saratoga; that they had also built a house forty feet, and were busy to erect two more there, and that the persons who brought this account, did add that they were credibly informed in Canada that the French designed to inclose the said Fort and buildings, with a stone wall next spring, and that they positively designed to go up at the same time with 200 men to Fiederodequat, lying on the south side of Cadaraqua Lake above Oswego, near the Seneka's country, in order to stop the English trade at Oswego.

The House taking the same into consideration, are justly apprehensive that if those attempts and encroachments are not prevented, they may prove of the last consequence, not only to this colony, but also to several other of his Majesty's colonies on this Continent. Inasmuch as the French can march from Crown Point in three days to Albany itself (whereby the Frontiers would be extremely exposed), in case a rupture should happen between that Crown and Great Britain, and in the meanwhile they may at Fiederondequat, obstruct the Beaver and Fur Trade at Oswego, which has been acquired there at a vast expense; and therefore came to the following resolutions, to wit:

Resolved, That the President be addressed (as the House hereby humbly do) to represent these attempts of encroachments of the French, and the fatal consequences the same may be attended with, unto his Majesty or his Ministers of State. in order to obtain such relief and directions

therein as to his said Majesty, in his great wisdom, shall seem meet.

Resolved, That his Honor be likewise addressed, that the Commissioners of Indian Affairs at Albany be directed to employ proper persons, and such as have an interest among the Six Nations, particularly among the Senekas, to dispose them to prevent the French from annoying them, or obstructing our trade with the Indians, either at Fiederondequat, or at any other place in the countries belonging to them; and that the charge attending that service, be defrayed out of the money appropriated for the support of this Government."

The President was also requested to communicate with the Governors of Connecticut, Massachusetts and Pennsylvania in relation to the proposed encroachments by the French.

September 30. By direction of President Van Dam, on account of the prevalence of smallpox, the Assembly was adjourned to the second Tuesday in December.

1732. AUGUST. TWENTIETH ASSEMBLY, FIFTH SESSION.

WILLIAM COSBY, Governor.

The new Governor was appointed by a commission dated March 27, 1732. He arrived in New York August 1. The Assembly convened the 9th, and the next day Governor Cosby delivered the following

OPENING SPEECH.

GENTLEMEN.—When his Majesty was graciously pleased to appoint me Governor of this Province, I intended to embark early in the spring, but upon the application of your agents I quitted that resolution in order to give the

best assistance I was able towards the defeating the bill then depending in Parliament in favor of the Sugar Islands; what success it has had you very well know.

GENTLEMEN.—I am extremely pleased to see you so soon assembled after my arrival. The season of the year and exigence of affairs requiring not only a speedy application, but your utmost attention, and I do not in the least doubt but that you are met together, determined to support his Majesty's government by settling upon him a revenue in as full and ample a manner, and at least for as long a time as you or any former Assembly have at any time given it,[1] and to make such provision for the maintenance of the garrison of Oswego and for the repairs of that place, as well as the rest of the garrisons, as their ruinous condition requires.[2] This will encourage the soldiers to do their duty cheerfully, give the Five Nations a full assurance of protection, and make your trade more extensive among the remote Indians, and in all things answer the end to which it is designed. Those things his Majesty, the best of Kings, whose universal care of his subjects he makes his greatest glory, thinks, for your own sakes, you should do, therefore expects it from this Assembly, of whose loyalty and dutiful affection to his person and government he is fully satisfied.

GENTLEMEN.—I am commanded to assure you of his Majesty's protection in your religion and all your just rights and liberties, and of his gracious inclination to encourage your trade, on which the strength and prosperity of the Province does in a great measure depend. If any new laws are necessary for the encouragement and enlarging of your trade, in any of it branches, you may depend upon my concurring with you, and if there be any-

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1 An act for the support of government, chap. 591, was passed October 14th, and was to be in force five years.

2 October 14th, an act was passed, chap. 592, for the payment of claims for services and expenses incurred in connection with the trading house at Oswego, for the support of the garrison there, and to regulate the Indian trade.

thing wanting to make you a flourishing and happy people you may be assured I will use my utmost power and interest to serve you.

W. COSBY.

SPECIAL MESSAGES.

August 14. Thanking the Assembly for its address.

September 5. Transmitting a memorial from the city authorities of Albany and the Commissioners of Indian Affairs there, setting forth the defenceless condition of the city in case of a rupture with France, and urging immediate action by the Assembly.

September 6. Sending a large parcel of counterfeit bills of credit, and recommending their immediate destruction. They were accordingly burned.

October 14. The Assembly was adjourned to the second Tuesday in April, 1733.

1733. OCTOBER. TWENTIETH ASSEMBLY, SIXTH SESSION.

WILLIAM COSBY, Governor.

The sixth session opened October 15th, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The season of the year being so far advanced I shall only at this time recommend to your consideration a thorough repair of the barracks in this fort. The work has been already begun on some of them, and a moderate expense may finish it and make them useful for many years, but if they are longer neglected they will in a short time be incapable of a repair, and must of necessity

be new built, the charge whereof will be much heavier than that of a present repair.[1]

There are some temporary laws expired or pretty nigh expiring, which it will be necessary to revive or continue. I need not point them out to you. You know them and the usefulness of them. These and whatever else are necessary for the welfare of the Province I will readily concur in.

W. COSBY.

SPECIAL MESSAGES.

October 31. Promising compliance with the Assembly's request for the appointment of a new commissary at Oswego, and for an order prohibiting such commissary and the officer in command of the troops at that place from trading with the Indians.

November 1. The Assembly was adjourned to the third Tuesday in April, 1734.

1734. APRIL. TWENTIETH ASSEMBLY, SEVENTH SESSION.

WILLIAM COSBY, Governor.

The seventh session opened April 25th, and on the same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—As I knew there was nothing of greater concern or higher importance to the prosperity of the Province than the encouragement of trade, wherein the welfare and even the subsistence both of the farmer and tradesman depends, I have made it my business to inform

[1] A resolution was adopted October 31st, postponing action concerning the barracks until the next session.

myself of its present situation, and of the discouragements it labors under, hoping that by discovering the causes of its decay I might find a remedy.

I will first point out some of the principal causes of the decay of trade, and then propose some remedy for them.

The first and principal cause is that your neighbors, especially the Bermudians, have by degrees got such footing that they are now become your common carriers, whereby not only building, which is a vast advantage to a country, is discouraged and almost wholly disused, artificers without employ, their families reduced to great necessity at present, and no prospect before them but extreme poverty or forsaking their country; but likewise vast sums of money are yearly carried out of the Province by strangers who, as I am well informed, spend hardly anything even for their daily subsistence while here, nor import anything useful or profitable into it.

Another cause of the decay of trade is owing to the want of having your flour, the staple commodities of the country, put under such essays and strict search and inspection as may be necessary to prevent the exportation of any but such as may equal in goodness the best that is exported from your neighboring Provinces, whose flour has gained a reputation superior to yours from the wholesome laws they have made to prevent frauds and abuses.

I propose therefore and earnestly recommend to you, Gentlemen, to pass some law or laws for the encouragement of your own building and navigation, for the discouragement of those who supplant you in your navigation by laying a duty of tonnage on them, and for putting all flour to be exported under a strict essay and inspection. This will prevent frauds and abuses in bolting, give life to the expiring hopes of your ship carpenters and other tradesmen, recall their unwilling resolution to depart the Province, and encourage others to come into it, fill your harbors with vessels of your own, inspire your youth with

warm inclinations to become seamen, and by giving new vigor to a declining trade, fill your country with riches and spread its reputation far and wide.[1]

Nor are these the only things of high concern that I have to recommend to you; the safety and protection of the harbor and town of New York and of the frontiers are greatly necessary, nor is any time so fit to guard against future enemies as a time of peace. How long the present peace may continue is uncertain; I therefore earnestly recommend to you to make use of the present time, and to give a sufficient sum for the erecting a battery at the point of rocks by Whitehall, and of new forts at Albany and Schenectady.[2] I have drawn such plans for those purposes as I think will best answer the end, and made an estimate of the expense which I will order to be laid before you; if these expenses appear large, consider the benefits that you are to receive from them, which are no less than the defence of your country and protection of your families; and let the management of the money be put into frugal hands, such as reside constantly in the respective places, and who more proper than the representatives or some of the corporation of the two cities, and some of the most substantial inhabitants of the other town where there is no corporation, and let a strict account be required and rendered of the disposal of it, and I am persuaded you will think the money well laid out.

If any branches of your trade be overladen with duty, I wish some effectual method would be taken to ease them by an imposition on some other parts better able to bear it,

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1 Two acts relating to commerce and navigation were passed June 22d; one, chap. 611, imposed a duty of tonnage for six years on all vessels trading in the colony; and the other, chap. 612, regulated the rates to be taken for ships and other vessels using the wharf called Burnetts Key in the city of New York.

2 An act, chap. 610, was passed June 22d, providing for the fortification of Albany and Schenectady. As to other fortifications, see next session, special messages, November 28th, *post*, p. 250.

or on something that may not at all affect trade. For my part I think a duty upon paper to be used in the law and in all conveyances and deeds of every denomination, may, if rightly managed, bring a considerable sum of money yearly to the treasury, and if upon trial you find it will answer your expectation, you may then ease such branches of trade as most want it of so much as that duty that will amount to. I propose it as an experiment, with no other view than for the ease and encouragement of trade, in the prosperity whereof every one of you is concerned; but as it is uncertain what such a duty will amount unto clear of all charges, you may direct the money arising from it to be paid into the hands of the Treasurer and there lodged till by an act you apply it to some particular uses.

I see with concern that whilst the neighboring Provinces are filled with honest, useful and laborious white people, the truest riches and surest strength of a country, this Province seems regardless of the vast advantage which such acquisitions might bring them and of the disadvantages that attend the too great importation of negroes and convicts. These things are worthy your consideration, and require your speedy attention, as the greatest good is to be expected from one, and the greatest evil to be apprehended from the other.

The Six Nations of Indians are often in want of smiths and their tools to mend their arms. I recommend it to you to make provision for that purpose. The French not only do that, but constantly send some men of art and interest to reside among them, furnished with brandy, lead and powder which they give from time to time to the Indians, whereby they ingratiate themselves with them and alienate their affections from us. It is our interest to defeat the attempts of the French by the like acts and to preserve the friendship of the Six Nations, though at a greater expense.

If there are any other laws wanting for the defence of the Province, for the advancement of trade, for the encour-

agement of husbandry, or for promoting manufactures, arts and sciences among you, you may depend upon my cheerful concurrence with you, well knowing that I cannot recommend myself to his Majesty, the best of Kings, more effectually than by promoting the happiness and prosperity of the Province, who being full of affection to his people and tender of their civil and religious rights, expects from them the grateful return of loyalty and duty to his person and reverence and submission to his just prerogative and authority.

W. COSBY.

SPECIAL MESSAGES.

April 29. Transmitting plans for a battery at the rocks at Whitehall, estimated to cost twelve thousand pounds, also a plan for a fort at Albany to cost five thousand pounds, and a fort at Schenectady to cost three thousand pounds. (See note 2.)

May 1. Thanking the Assembly for its address.

May 4. Transmitting a revised estimate of the cost of fortifications, namely, the battery at Whitehall eleven thousand ten pounds, the fort at Albany three thousand nine hundred twenty-five pounds, and the fort at Schenectady, two thousand six hundred sixteen pounds, thirteen shillings one pence; also papers relating to Indian affairs, including information relative to the endeavors of the French to gain the Indians over to their interest. (As to fortifications, see note 2.)

June 17. Acceding to the Assembly's request for an adjournment until after harvest, and urging action during the present week on all important legislation.

June 20. Promising compliance with the Assembly's request that Col. Philip Schuyler be sent with a smith and a present to the Seneca nation.

June 22. Recommending that the Assembly adjourn to the fourth Tuesday of July next. The Assembly was adjourned accordingly.

WILLIAM COSBY, Governor.

The Eighth Session opened October 2d. There was no speech by the Governor.

SPECIAL MESSAGES.

October 9. Transmitting a communication from the Lords of Trade requesting the Governor's opinion as to "what further encouragements may be necessary to engage the inhabitants of the British colonies, on the continent of America, particularly of those within your government, to apply their industry to the cultivation of naval stores of all kinds, and likewise of such other products as may be proper for the soil of the said colony, and do not interfere with the trade or product of Great Britain."

November 28. The Assembly unanimously requested the Governor to dissolve it after the laws passed at the session had been published. The Governor declined to dissolve the Assembly.

The same day the Council and Assembly presented to the Governor an address, requesting his approval of an act authorizing the issue of bills of credit for twelve thousand pounds, the proceeds to be used for repairing and erecting fortifications on the frontier and otherwise preparing for the defence of the colony. The Governor approved the bill, saying, however, that it was contrary to the seventeenth item in his instructions, but that he hoped the King would approve the law as the only method in their power to put the colony in a posture of defence. (See chapter 625, passed November 28th, relating to bills of credit, and chapter 626, providing for fortifications.)

The Governor recommended that the Assembly adjourn to the first Tuesday in April, 1735, and the Speaker adjourned the Assembly accordingly.

WILLIAM COSBY, Governor.

The Assembly had been adjourned to the first Tuesday in April, 1735, but the ninth session was not opened until October 16th. The next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The obligation I was under to meet the Six Nations of Indians at Albany to renew the covenant chain has prevented my calling you together sooner. But that the garrison of Oswego might not be disappointed of the provisions that are necessary for the ensuing year, I did, before I went to Albany, with the advice of his Majesty's Council, direct Mr. D'Peyster and Mr. Schuyler, who signified to us their willingness to undertake it, to make provision before the winter should set in, promising them, as I now do, to recommend it to you.[1]

There are some things that I recommended to you at your last sitting which require your further and effectual care, particularly the encouragement of the trade of the Province and the peopling it with honest industrious men. They are things of the utmost concernment to you, wherein, as in all other things for his Majesty's service and the good of the country, you may depend upon my concurrence.

W. COSBY.

SPECIAL MESSAGES.

November 4. At a joint meeting of the two Houses, the Governor delivered to the Speaker, an abstract of the state

[1] An act, chap. 630, was passed November 8th, to provide for expenses incurred in connection with the trading house at Oswego, and for the maintenance of the garrison there.

of the revenue from March 1, 1733, to September 1, 1735, and said:

"I find by the Treasurer's accounts of the present state of the revenue, that there is already a large deficiency, and from the ensuing season of the year it may be apprehended that it will be much augmented before your next meeting, if some timely and effectual provision be not now made. Justice and your own honor oblige you to it, and the officers of the Government, whose subsistence depends upon it, and his Majesty's service, make it my indispensable duty to recommend it to you in the strongest manner. Things of this nature grow worse by delay; the ways and means to pay a large debt may become burthensome to the country, whereas a timely provision will not be felt.

Had I known of this at your first meeting I had then mentioned it to you and not have troubled you at this time."[2]

November 4. A petition was presented to the Assembly by a great number of the inhabitants of the city of New York "setting forth, that as they conceive the long continuance of the same representatives in General Assembly is a great grievance, and that the frequent election of them is a most valuable privilege, and therefore flatter themselves, that this House will endeavor all they can to obtain a dissolution of this present Assembly."

The Assembly ordered that the petition be presented to the Governor, and that he be informed that it was the unanimous desire of the Assembly that it be dissolved after the publication of the laws passed at the present session. The Governor replied on the 6th, refusing to dissolve the Assembly. A similar request, with the same result, made by the Assembly on its motion in November, 1734, has been already noted.

November 8. Recommending that the Assembly adjourn to the last Tuesday in March, 1736. The Assembly adjourned accordingly.

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[2] The Assembly adopted a resolution on the 8th of November to consider the revenue at the next session.

GOVERNOR'S RELATION TO THE LEGISLATURE.

Near the close of Governor Cosby's administration, differences of opinion arose as to his right to sit with the Council in its legislative capacity. It seems that up to this time it had been the custom of the Governors to preside in the Council when it was acting as a legislative body, and it was charged against Governor Cosby that he took part in the debates on bills and voted on their passage. The result of this practice was that the Governor might act on a bill three times, namely, he might vote when it was under consideration, he would have a casting vote in case of a tie, and finally as Governor might veto the measure.

A controversy having arisen between Governor Cosby and Rip Van Dam, late President of the Council, Mr. Van Dam in December, 1733, preferred charges against the Governor, alleging maladministration in numerous particulars, including his participation in the proceedings of the Council while it was acting in a legislative capacity. The matter came finally before the Lords of Trade, who speaking through Secretary Popple, in a letter to Governor Cosby dated January 23, 1736 (Col. Doc. vol. 6, p. 39), following the opinion of the Attorney-General and Solicitor-General dated January 15, 1735 (Col. Doc. vol. 6, p. 41), defined the Governor's relation to the Colonial Legislature as follows:

"The Council sits in two capacities, viz., as your Council, to advise you generally in all political cases, and in particular cases where, by your instructions you are restrained from acting without their advice and consent: in both these cases you are to sit and advise with them. They likewise sit as the third part of the Legislature and in that case you are neither to sit nor vote with them. Was you to do it upon any occasion where a law is the subject of their debate, and that the Councillors being divided in opinion the law should either be passed or rejected by your single vote, it would in fact be taking away the privilege of the Council in vesting two of the three parts of the Legis-

lature in one person, and consequently destroying that constitution so prudently established by his Majesty's commission and instructions for the Government of his American Colonies."

On the suggestion that the Governor expected that bills passed by the Assembly should be presented to him before being laid before the Council, the letter says as a third part of the Legislature is vested in the Governor, he has "an absolute negative upon every act agreed to by the Council or Assembly," and therefore he is not to expect any act to be presented to him, until it shall have passed both the Council and Assembly.

Concerning the suggestion that the Governor had adjourned the Assembly in his own name, he is reminded that by the whole tenor of his instructions he is to act in the King's name and not his own, and doubt is expressed whether the Governor has power to adjourn the Assembly, if, however, he has such power, it must be exercised in the King's name, but the power to prorogue or dissolve the Assembly is a royal prerogative which is vested in the Governor.

After this time the Council, acting in its legislative capacity, was an indepedent body with its own presiding officer, and the Governor did not participate in legislation except to act on bills passed by both houses.

1736. OCTOBER. TWENTIETH ASSEMBLY, TENTH SESSION.

GEORGE CLARKE, President of the Council, and Lieutenant-Governor.

At the close of the ninth session, the Assembly was adjourned to the last Tuesday in March, 1736. Governor Cosby died on the 10th of March, after an illness of about sixteen weeks. George Clarke as President of the Council,

thereupon became the executive head of the colony. The Assembly which had been continued by adjournments from time to time met on the 13th of October. Mr. Clarke was still acting by virtue of the authority conferred upon him as President of the Council. He had been appointed Lieutenant-Governor by a commission dated July 13, 1736, but the commission was not received until October 29.

On the 14th, as President, he delivered the following

OPENING SPEECH.

GENTLEMEN.—There never was a time wherein your sitting was more necessary than the present to heal the unhappy divisions that have sprung up in this Province, to provide for the safety, the defence and prosperity of it, to encourage trade and navigation, and to promote the raising and manufacturing such commodities as may be advantageous to yourselves, and useful to Great Britain.

You have by a resolve of your House engaged the public faith (which ought ever to be sacred) to make good the deficiencies of the revenue, and I promise myself from your well known loyalty and duty to his Majesty that you will now cheerfully and effectually provide for it, and it requires your earliest attention.[1]

Ship building, which in some of your neighboring Provinces is carried on to a large extent and is become a considerable part of their returns to Great Britain, has for many years been much neglected and little used in this Province, and yet nature has been as bountiful to us as to them in giving us as many materials for that use, a fruitful soil for the production of hemp, and a cheap and safe navigation for all from most parts of the Province to this city. As this is of the greatest importance to you, I earnestly

1 The Assembly adopted a resolution October 28th declaring that it would at the beginning of the next session examine the deficiency in the revenue, and provide ways and means to make it good. November 6th another resolution was adopted, postponing until the next session all other matters recommended in the speech.

recommend it to your present consideration, that by a timely and effectual provision you may retrieve that beneficial branch of trade and carry it to a height superior to any other Province.

The markets for your flour (the present staple of the Province) are already so much overdone by the great importations that are made to them from this and the other northern colonies that unless some manufactures be set on foot that are wanted in Great Britain, or do not interfere with theirs, there will be no way to employ the people to any advantage. Great Britain has long extended her bounty to us in the article of hemp, but we have not yet taken hold of it. It wants some further encouragement, and it is your interest (though with a present expense) to lay a foundation for that useful and valuable manufacture. Some of your neighboring Provinces have done it and reap the happy fruits of it.

I heartily recommend to your consideration the fortifications now on foot that if upon inspection of the accounts you find the money already given will fall short, you may effectually provide for the finishing of them.

Fort Hunter is in a very ruinous condition. The Palisadoes, the blockhouses and barracks are tumbling down, and hardly to be repaired at a less charge than would build a new one. The principal end for which it was built being to cover the Christian settlements then made and to encourage others to be made in that part of the Mohawk's country is happily attained, and we may reasonably expect the like good effects in the settling the rest which is much the greatest part of the Mohawk's country. If a new fort be built on the carrying place at the upper end of the Mohawk's country, and the garrison of Fort Hunter be removed thither, this will cover the whole Mohawk's country, fix an easier communication between all the frontier garrisons from Albany to Oswego, be a safe repositary for the goods that must be landed there in passing to and from

Oswego, and be a sure protection to that trade and country at all times. A small sum of money will do the work.

The house at Oswego wants some present repairs, and the upholding it is of such consequence to the trade of the Province that I am persuaded you will think it highly necessary to put it in such a condition against the winter as the officers and soldiers may be screened from the inclemency of the weather.

The commissioners for Indian Affairs having represented to me that there was a necessity of sending a smith and some other persons to reside for a year in the Sinneke's [Seneca's] country with some small presents to secure the fidelity of that nation to us, I hope you will make proper provision to defray that expense.

These things that I have recommended to you being for his Majesty's honor and service, for the encouragement and advancement of trade, and the general good of the country, I can safely and will cheerfully concur with you in them as I shall in all others of the like tendency. They deserve your utmost attention, and I hope you will give them dispatch.

I make no doubt but that you are come with minds disposed to consult his Majesty's honor, and the true interest and quiet of the Province. Let therefore your debates be guided by moderation, make things of a private and inferior nature give way to those of a public, and your electors will thank you, posterity bless you, and future assemblies make your actions a rule for theirs.

GEO. CLARKE.

SPECIAL MESSAGES.

October 16. The change of relations between the Governor, or his substitute in the executive office, and the Council was manifested this day by an address presented by the Council to President Clarke, which was quite similar to the addresses presented by the Assembly. President Clarke thanked the Council for its address, and expressed

the hope that they would see a "period put to the unhappy divisions that have too long subsisted."

October 20. Transmitting to the Assembly a petition from several inhabitants of Albany for the appointment of Charles Kerr as surgeon to the garrison at Oswego "with a large salary" and two months vacation; also a petition of the inhabitants settled about and beyond Fort Hunter "in the County of Albany, setting forth, that the said Fort was built to protect the settlements there made, and encourage others to be made in the Mohawk's country above Schenectady; that that part of the country being well settled, and that Fort quite gone to decay, they are humbly of opinion, if the garrison at the said Fort were removed to the carrying place at the upper end of the Mohawk's river, it would in a few years have the like good effect, by encouraging people to settle the rest of the said country, which will be very advantageous to the strengthening the Frontiers."

November 8. Approving a joint address congratulating the King on the marriage of the Prince of Wales with the Princess of Saxe-Gotha.

November 10. After disposing of bills passed at this session, the Lieutenant-Governor prorogued the Assembly to the last Tuesday in March, 1737. It will be observed that the Lieutenant-Governor adopted the practice suggested in the foregoing communication from Secretary Popple to Governor Cosby, and prorogued the Assembly instead of adjourning it, as had been the custom up to this time.

1737. APRIL. TWENTIETH ASSEMBLY, ELEVENTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The eleventh session convened April 5. On the same day at the Council Chamber in Fort George in the presence of both Houses, the Lieutenant-Governor delivered the following

OPENING SPEECH.

Gentlemen.—The season of the year having obliged me to put an end to your last session before several matters by me recommended to you were provided for, you came to a resolution before you broke up to take them into consideration and to give them their due weight at your next meeting, and I hope you are now come together with resolutions to make good your engagements; both his Majesty's honor and service and the happiness and prosperity of the Province require it of you.

You will see by the Treasurer's accounts that there is a great deficiency of the revenue, under which not only the officers of the government groan, but their creditors also suffer extremely. This is a debt contracted during this present Assembly by the insufficiency of the funds given for support of government, and it is but reasonable to expect from you such speedy provision as may soon and effectually pay it. Your own honor is plighted for it, and I am persuaded that you will not leave that to be done by another Assembly which you ought to do yourselves, nor suffer a debt to grow greater which you have the power and opportunity to discharge. The eyes of the Province are upon you expecting a speedy event, and I assure myself that you will make all your actions of a piece with your beginning, honorable and worthy, befitting your characters of dutiful, affectionate and loyal subjects to the best of Kings, whom God long preserve.

The determination of the present revenue drawing nigh, I earnestly recommend it to you to give a further and honorable revenue to his Majesty for the support of his government, nor do I doubt of your cheerfulness to do it. I hope, however, that you will take some methods to ease the merchant that the whole burthen may not lie on trade. It is necessary and the planters will soon find the benefit of it, for it is on the increase and flourishing condition of trade that they must grow rich.

I recommended to you the last session to give some proper encouragement for raising of hemp, and promoting of ship building; I now add to them that of iron. They are things that deserve your utmost attention and call for a speedy help.

I recommended likewise to you the fort in the Mohawks country, the house at Oswego and the new fortifications. The first is tumbling down, the second in a ruinous condition, the third calls for the finishing hand, and all require your effectual and immediate care.

These being things that his Majesty's honor and service and the defence, security and prosperity of the Province require at your hands, I persuade myself that you will now cheerfully and effectually provide for them, and that you will likewise give a sum sufficient to put in good repair that part of the barracks in his Majesty's fort in this town, which were left unfinished when the rest of the barracks were repaired.

The artificers complain and with too much reason of the pernicious custom of breeding slaves to trades, whereby the honest and industrious tradesmen are reduced to poverty for want of employ, and many of them forced to leave us to seek their living in other countries. It deserves your consideration, and I hope will receive a present remedy.

GENTLEMEN.—We have the pleasure to see peace restored to this once divided Province, and I hope that by your assistance I shall be able to put it in a more flourishing and prosperous condition than ever it has been. My best endeavor shall be directed to it, and I make no doubt that you are met with resolutions to contribute everything in your power towards it.

You have it now in your power to set on foot, to encourage, to raise and to carry to a great height several commodities that are wanted in England, such as will employ great numbers of people here, give life and vigor to

your declining trade and navigation, raise the price of lands, enrich the farmer, make you useful to your mother country, and strongly recommend you to his Majesty's grace and favor, and I promise myself that you will not let slip the present opportunity.

Whatever else is necessary for the prosperity of the Province wherein my concurrence may be given, you may assuredly expect from me. Let your actions be guided by moderation, let the public good have the first and principal place in your deliberations, and then your country may hope to see themselves raised from their present condition to an height of riches and felicity as yet unknown to them.

GEORGE CLARKE.

SPECIAL MESSAGES.

April 7. Thanking the Council for its address, and giving assurance of his zeal in the service of the Province.

April 28. The Lieutenant-Governor prorogued the Assembly to the 3d of May, assigning as a reason that the Assembly had not made good the deficiency in the revenue as promised by several resolutions, "and had voted that the moneys to be raised for making good such deficiencies should be appropriated in such manner as by bill should be directed and appointed."

May 3. The two Houses being in joint session, the Lieutenant-Governor addressed the Assembly as follows:

"Your solemn promises in repeated resolves of your House to make good the deficiencies of the revenue, obliged me to give you an opportunity of performing them, and at the same time of making such laws as are much wanted to rescue this Province from its declining condition, and to put it in a more flourishing state; they are equally necessary and ought to go hand in hand; but since you have not made the proper use of that opportunity, but have passed some resolves highly derogatory to his Majesty's honor and just prerogative, which I am bound to maintain and support,

I am no longer constrained to delay my gratifying the desires of the people with a new choice of representatives; sooner I could not do it without subjecting myself to censure; I have therefore thought fit now to dissolve you, and I do accordingly dissolve you."

No laws were passed at this session. The Twentieth Assembly had been in existence about nine years.

1737. JUNE. TWENTY-FIRST ASSEMBLY, FIRST SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The new Assembly met June 15, and on that day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—As his Majesty's honor and the true interest and prosperity of the Province which I have most warmly at heart were prevailing motives with me to dissolve the last Assembly, I am highly pleased that the people have made the right use of the opportunity I gave them in choosing such gentlemen to represent them, as I am firmly persuaded come with resolutions to answer those great ends of their election.

The approaching harvest forbidding me to expect you could at this time sit to do business, I take that opportunity to meet the Six Nations at Albany to renew the covenant chain, and to endeavor to prevail with the Sinneca's [Senecas] to revoke a promise of leave, which they have unjustly and unadvisedly given to John Coeur, a Frenchman of Canada, to build a house in their country at Tierondequat, a place which if possessed by the French will enable them to intercept all the western fur trade in its way to Oswego.[1] At present, therefore, I have nothing

[1] For the Lieutenant-Governor's report of his negotiations with the Indians, see his speech of September 2.

to recommend to you but this, that every one in his respective station and county may endeavor to carry to perfection the good harmony that is already happily begun in the Province, to which nothing shall be wanting on my part, and I assure myself of the utmost success from your assistance.

GEO. CLARKE.

SPECIAL MESSAGES.

June 16. Thanking the Assembly for its address.

June 16. The Lieutenant-Governor being obliged to go to Albany to treat with the Indians, the Assembly at his suggestion adjourned to the fourth Tuesday in August.

September 1. After several adjournments, the Assembly resumed business.

September 2. The Lieutenant-Governor delivered the following

SPEECH.

GENTLEMEN.—With pleasure I perceive by the resolves of your house in June, that you did in your short sitting of two days enter in part upon the consideration of the present state and circumstances of the Province. This early beginning has prevented my recommending several things to you, and gives me hopes that the future course of your proceedings will be directed to his Majesty's honor and the true interest of the Province. When they are jointly considered, as they ought to be inseparable, we may promise ourselves the utmost felicity. Every man's private interest must partake of public blessings, and that small portion that I have among you will naturally lead me to grant everything that may promote the common good, everything that is in my power to grant. More than that you are too reasonable to expect, nor can I give into without departing from my duty to his Majesty and betraying the trust reposed in me, nor can you receive any benefit by it could I be drawn to such a conduct, since all

your bills are subject to his Majesty's disallowance. My duty, my honor and my inclination bind me both to a strict obedience of his Majesty's just commands and royal instructions, to maintain and support his rightful prerogative, and to the proper administration and right end of government in protecting his Majesty's subjects of this Province in the full enjoyment of their civil and sacred rights and liberties, wherein it shall be my constant study and unwearied endeavor to persevere.

The deficiencies of the revenue, under which the officers of the government and their creditors groan, call for your early attention, and from your justice and honor I hope to see speedy and ample provision made for them.[2]

The well-known loyalty of this Province to the Crown and their zealous affection to his present Majesty, the best of Kings, and his royal and illustrious house have appeared conspicuous on every occasion, and in nothing more than in the support of government, which the Assembly have at all times given to his Majesty, and I assure myself that your loyalty, zeal, and affection are nothing short of theirs who have gone before you. In this confidence I do, with most assured hopes of success, earnestly recommend to you to give to his Majesty a further and honorable revenue for the support of his government, such and for such time at least as former Assemblies have given, wherein I hope that a due regard will be had to trade.[3]

The house at Oswego is in a ruinous condition and wants a present and thorough repair. I daily expect a more particular account of its present condition from the officer whom I have sent to command there, and when I receive it I will order it to be laid before you, that you may the better judge of the sum it will require to repair it. It is a

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[2] An act, chap. 666, was passed December 16th, authorizing the issue of bills of credit for payment of the debts of the colony.

[3] An act for the support of government, chap. 668, was passed December 16th. The act was to be in force during the calendar year 1738.

place of great importance to the fur trade, which under a better economy may be carried to a greater extent, and I hope you will make further provision for the support and maintenance of the house and garrison.[4]

When I went to Albany to meet the Six Nations I was not without hopes of getting them to revoke the promise of leave which they had given to the French interpreter to build a house at Tierondequat in the Sinneca's country, and of obtaining from them an absolute conveyance of some land to build a fort on in that place, and of as much more as might be sufficient to raise provision for the victualling that garrison and Oswego too, which would save the country much money and secure to us the fidelity of the Six Nations in all events. How I have succeeded in part, and how in other parts my intentions have been defeated, will appear by the papers which I shall order to be laid before you. All that I could then do was to send the interpreter, a smith and three other men to the Sinneca's country, there to reside the ensuing year to keep the Indians steady to their promise not to suffer any Frenchmen to build in their country, and I hope you will make suitable provision for that expense.[5]

Fort Hunter in the Mohawks country is tumbling down, and that part of the barracks in Fort George, which for want of money was left unfinished when the rest of the barracks were repaired, will soon be in as bad a condition if some care be not speedily taken to repair it. I therefore earnestly recommend them to your present consideration, as I do likewise the new fortifications which want the finishing hand.

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[4] By an act, chap. 665, passed December 16th, provision was made for the maintenance of the garrison at Oswego, and for needed repairs to the buildings there, and the regulation of the fur trade.

[5] Appropriations for expenses incurred in negotiations with the Indians were made by the act, chap. 666, passed December 16th, providing for bills of credit for the payment of public debts.

Whatever else you may judge necessary for the tranquility, prosperity and security of the Province wherein my concurrence may be necessary and which I may safely give, you may with confidence expect, for it will be an inexpressible pleasure to me to see trade, navigation and ship building increase and flourish, manufactures that may be useful to Great Britain and beneficial to the Province set on foot and carried to perfection, the country replenished with white people, and a general benevolence and harmony take place again throughout the Province. These are things that are much wanted and universally wished for, hitherto neglected or not enough thought of, for want of that public spirit which is absolutely necessary to make a country flourish. They are greatly in your power, and if the good understanding that is happily begun continues to subsist between the several parts of the Legislature, as I hope it will, I make no doubt but the Province will soon reap the fruits of it, and find their expectations (from the choice they have made of you their representatives) fully answered, posterity feel the happy effects of it, and we shall all recommend ourselves to his Majesty's grace and favor, who makes the happiness of his people his first care and greatest glory.

GEO. CLARKE.

SPECIAL MESSAGES.

September 3. Promising to appoint a sergeant-at-arms for the Assembly pursuant to its request.

September 8. Approving the Assembly's address concerning numerous subjects of legislation, including recommendations for free elections and frequent elections of the Assembly. Concerning official terms, the address says

"No government can be safe without proper checks upon those intrusted with power, and the wisest governments where the Chief Magistrates were elective took especial care that it should not continue long in the same hands,

experience having taught them, that men, how muchsoever esteemed, had really not virtue enough for so great a trust, and generally used it ill when they had it."

England's example in requiring frequent elections of members of Parliament was cited as a reason for a similar rule in New York, and the Lieutenant-Governor was urged to give favorable consideration to a bill for frequent and regular elections of members of Assembly.[6]

The address also recommended the continuance of an agent at the court of Great Britain, and asked that the legislature might participate in the creation and regulation of courts.[7] The address assured the Lieutenant-Governor that he need not expect that the Assembly would "raise sums unfit to be raised, or put what we shall raise, in the power of a Governor to misapply, if we can prevent it; nor shall we make up any other deficiencies, than what we conceive are fit and just to be paid, or continue what support or revenue we shall raise for any longer time than one year." The Assembly thus announced the policy of annual appropriations. (See note 3.) Several other subjects which had been already mentioned several times in the Lieutenant-Governor's speeches were considered in the address.

September 28. Transmitting to the Assembly letters relating to affairs at Oswego.

December 16. After disposing of bills the Lieutenant-Governor said:

"The harmony that subsists between the several branches of the Legislature, will, I hope, establish an universal benevolence throughout the Province, and put it in a more prosperous and flourishing condition than it has

[6] An act, chap. 650, was passed December 16th, limiting the terms of members of Assembly to three years. The same act provided for annual meetings of the Assembly, and required a new Assembly to be called within six months after the dissolution of an Assembly. For the royal veto of this act see 1739, special message of April 9th, *post*, p. 279.

[7] An act, chap. 656, to establish and regulate courts to determine causes of forty shillings and under, was passed December 16th.

yet known; that event will complete my utmost wishes, as my highest aim has been to restore tranquility to the country, and to raise its head from the drooping situation it was lately in.

GENTLEMEN OF THE ASSEMBLY.—I return you my thanks for the regard which, with justice, you have had to his Majesty's honor in making good the deficiencies of the revenue; and I promise myself that the same duty and loyalty with which you have now acted will at your next meeting inspire you with resolutions to give an honorable and ample revenue to his Majesty for the future support of his government, since the advanced season of the year will not allow you time to do it now."

December 16. At the Lieutenant-Governor's suggestion the Assembly adjourned to the first Tuesday in April, 1738.

1738. SEPTEMBER. TWENTY-FIRST ASSEMBLY, SECOND SESSION

GEORGE CLARKE, Lieutenant-Governor.

Seven members met on the 4th of April, but a quorum not being present, the Assembly adjourned to the 5th, and on that day the Lieutenant-Governor prorogued it to the 6th of June. A quorum did not appear that day, and the Lieutenant-Governor again prorogued the Assembly to the 29th of August. The Assembly still lacked a quorum, and an adjournment was taken till the first of September. It again adjourned to the second, and then to the 4th. On that day the Assembly adopted the following:

"Whereas it hath been doubted by some members of this House, whether by the last prorogation of this House, and the meeting, and adjournment of the same on Tuesday last, this House was dissolved; and this matter being debated for three days, and maturely considered (nineteen members being present) it is Resolved, *Nemine Contradicente*, That this House was not dissolved, either by the said prorogation, meeting or adjournment, and that this House does now lawfully and rightfully exist, and hath a being."

The records do not show the reasons assigned for the doubt as to the validity of the prorogation.

September 5. The Lieutenant-Governor delivered the following

OPENING SPEECH.

Gentlemen.—Since we last were together we have had the most afflicting news of the death of her Majesty Queen Caroline, a Princess endowed with so many royal, beneficent and amiable virtues that no distance of time can efface the remembrance of them. Though your meeting together now gives a late opportunity of dutifully and gratefully declaring the sense the people of this Province have of their irreparable loss, I am confident none of his Majesty's most dutiful subjects who have made the earliest declarations of their grief are more sincere in their condolence with our most gracious sovereign on this ever to be lamented event.[1]

Gentlemen of the Assembly.—You know that more than a year is now expired without any support of his Majesty's government in this Province, by a practice not warranted by the usage of former Assemblies, nor consonant to the grateful returns which a dutiful people owe to the paternal and indulgent care and affection that the King has on all occasions manifested in promoting the welfare of his people and in securing their religious and civil rights and liberties. His Majesty expects that you will give a revenue as large, and for as long a time as former Assemblies have done.

It appears by the Treasurer's accounts that the funds appropriated for sinking the bills of credit struck in the years 1714 and 1717, are now about seventeen thousand pounds deficient, which fund will expire next year.

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1 The Lieutenant-Governor, Assembly and Council joined in an address of condolence to the King on the death of the Queen. No laws were passed at this session.

The securing the credit of your paper money deserves your immediate consideration. As it is a matter of the highest concern to the Province, I will give my assent to an act to continue the excise for sinking of those bills when at the same time you give his Majesty as ample a revenue for supporting his government here, and for as long a time as former Assemblies have done; more than that cannot be expected from me, nor dare I give into, as the paper money of this Province receives its currency and credit from the authority of his Majesty's government. That credit cannot be supported without supporting the government. They must go hand in hand.

GENTLEMEN.—I must acquaint you that there is a standing order of the plantation board, that no person be heard there in support of bills passed in the plantations unless he makes it appear that he be agent for the colony in whose behalf he applies. Your bills will be liable to be rejected upon the application of any other colony who shall think themselves aggrieved by any act passed here, if no person be authorized to appear for you on such occasions. This lately was like to have been the case of the tonnage act passed in the year 1734, and which may still be rejected, unless you appoint and furnish an agent with sufficient reasons in support of that act. It is therefore necessary for you to have an agent ready on all occasions to appear in behalf of the Province.

GENTLEMEN OF THE ASSEMBLY.—I must recommend to you the finishing of the new fortifications that they may in all events be in a condition of defence, and to repair that part of the barracks in the fort which were left unrepaired when the others were repaired.

I must likewise recommend to you the payment of those persons whom I sent to reside in the Sinnekes country to keep the Indian nations steady to their fidelity to this government. I mean the payment of those who have resided twelve months there, as well as of the others that are now sent upon the same service for the present year.

GENTLEMEN.— In the last place I recommend to you unanimity and harmony in dispatching those things which your duty to your King and country requires of you.

GEO. CLARKE.

SPECIAL MESSAGES.

September 12. Transmitting a letter from Peter Le Heup, relative to the recent act for frequent elections of members of Assembly; also a letter from Secretary Clarke, showing that the agent of the Bermudas had applied to the home government to repeal the New York tonnage act.

September 21. The Lieutenant-Governor sent a communication to the Speaker of the Assembly, setting forth "the encroachments of the French, near our own settlements at the Wood Creek; and that several of the sachems were gone to Quebec, in order to make over Tierondequat, to the French; and also a copy of a letter, signed by several gentlemen at Albany, to his Honor, dated August the 30th last, acquainting him with the designs of the French, in erecting forts near our own settlements, and of the sachems making over Tierondequat, to Governor Beauharnois, who it is expected will erect strong buildings there next spring, and then we shall be inclosed on all sides; which if not timely measures be taken, may prove of fatal consequence to the Crown, and this Province."

October 11. Proroguing the Assembly until the 12th of October.

October 13. At a joint meeting of the two Houses, the Lieutenant-Governor delivered the following

SPEECH.

"Having in my speech of the 5th of last month, recommended to you those things that I thought necessary to be done by you this fall, I now refer you to what I then said; since that time I have received information that the French intend speedily to make some settlements at or near the Wood Creek. It is your interest to defeat their designs, by the most speedy and effectual means, which I think can

only be done by your enabling me to build a fort there, and by encouraging some people to settle in that part of the country. There are several now in this Town who lately arrived from North Britain, willing to settle with their families at the Wood Creek, but being poor and unable to do it without some assistance, I therefore recommend to you to provide for their support, till by their labor they may be able to maintain themselves; upon such encouragement, I have a fair prospect of seeing many more families imported hither from that country, to settle at the same place.

I am likewise informed that several sachems, of the Senekas, are gone to Quebec to treat with the Governor of Canada, as it is apprehended, about admitting the French to settle at Tieonderoquat in their Country; if this be done, there is an end of the Oswego trade, for the French may stop almost every canoe in their voyage to Oswego, and will, without doubt, in time become masters of all the Six Nations, the consequences whereof are but too obvious; I am persuaded this may be prevented, and the Senekas brought to give us possession of Tieonderoquat for a small consideration, if it be tendered to them before the French are actually possessed of the place. It is a thing of high importance, and requires your present aid."

October 19. The Lieutenant-Governor being informed that the Assembly intended to "tack the bill for the continuance of the paper money to the bill for the support of government," told the Speaker he could not pass such a bill because it was contrary to his instructions and directed him to lay before the Assembly the following extract from the twelfth instruction:

"You are to observe in the passing of laws, that the style of enacting the same be, by the Governor, Council and Assembly, and no other; you are also as much as possible, to observe in the passing of all laws, that whatever may be requisite upon each different matter, be accordingly pro-

vided for by a different law, without intermixing in one and the same act, such things as have no proper relation to each other."

The Lieutenant-Governor further told the Speaker that "in case the Assembly would support his Majesty's government for five years, he would continue the excise for that time."

The Assembly unanimously resolved "not to pass any bill for the grant of moneys for support of government, but with assurance that the bills struck and issued in the years 1714, and 1717, as also the excise act, be continued from the first day of November, 1739, for a sufficient number of years to cancel and destroy those bills." This action was communicated to the Lieutenant-Governor, who said "he could not give his assent to such a bill unless this House would settle a support for as long a time, and in as ample a manner as had been given to former Governors, neither could he consent to the appropriation of the money."

October 20. At a joint meeting of the two houses, the Lieutenant-Governor addressed the Assembly as follows:

"When you came together this Fall, I was not without hopes that you brought with you hearty dispositions to consult the true interest of your country, which can only be attained by a loyal and dutiful regard to his Majesty's honor, in the support of his Government, since it is from thence only that you can hope for my assent to such laws as the People whom you represent expect you will prepare for it.

You cannot but know that there are many things of great importance to the Province that called for your early help, for I recommended them to your consideration. On some of them the welfare (I was going to say the fate) of your Country in a great measure depends; but how unconcerned you have been about them the People whom you represent will see by your votes.

Ever since the Revolution, the era from whence we may date our present happiness in the full enjoyment of our civil and sacred rights and liberties, the Assemblies of this Province have from time to time given to his Majesty, and his Royal Predecessors, a revenue for the support of Government for a Term of years; what I asked of you is no more; other Assemblies, prompted only by their duty and their zeal and affection to his Majesty and his royal Predecessors, have given such a revenue as I have mentioned; but you had, besides these other inducements to do it; you have a large sum of paper money subsisting, which will be next year without any fund to sink it; its currency will cease, it will no longer pass, but become as waste paper, and hundreds of people will then be losers by it, for it will probably be in so many hands. I offered to continue the sinking fund if you would give such a revenue as former Assemblies have all along given, nor was there anything new or unreasonable in the demand. The example of former Assemblies, your duty to his Majesty, and gratitude for his constant protection of your trade and country, both by land and sea, at a vast expense, the fruits whereof you reap, ought to have determined you to accept of my offer; but, instead of expressing your gratitude and duty, by supporting his Majesty's government as former Assemblies have done, you sent yesterday two of your members to acquaint me that it was unanimously resolved by your House, not to pass any bill for the grant of monies for the support of government, but with assurance that the bills struck and issued in the years 1714 and 1717, as also the excise act, should be continued from the first day of November, 1739, for a sufficient number of years to cancel and destroy those bills. I see too in your votes of yesterday, in the afternoon, a resolve of your House in the following words, to wit:

'Resolved, That in the Bill ordered to be brought in for the further supporting this Government until the 31st of

December, which will be in the year 1739, and for paying the salaries and allowances in the year 1737, there shall be added one or more clauses to continue the act entitled An act for laying an excise on all strong liquors retailed in this Colony, passed in the twelfth year of her late Majesty, Queen Anne, from the first day of November, 1739, for such number of years as the House should conceive sufficient to sink and cancel the bills of credit which were struck and issued by virtue of the two acts commonly called the Long Bills, passed in the years 1714 and 1717, and that the money to arise by the excise, to be so continued, shall be applied for sinking and cancelling the said bills, and that the said bills shall remain current during the time the said excise is now intended to be continued.'

On this resolve you ordered that the Committee appointed to prepare the bill first mentioned, do add proper clauses therein for the purposes mentioned in the foregoing resolution. These are such presumptuous, daring and unprecedented steps, that I could not look upon them without astonishment, nor with honor suffer you to sit any longer; I have therefore thought fit, with the unanimous advice of his Majesty's Council, to dissolve you, and you are accordingly dissolved."

1739. MARCH. TWENTY-SECOND ASSEMBLY, FIRST SESSION.

GEORGE CLARKE, Lieutenant-Governor.

This Assembly met March 27, the day fixed by the writs of election, and on that day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—I take this first opportunity to congratulate you on the birth of a Prince of his Majesty's royal and illustrious house, an event propitious to the protestant

world in general, and more especially to all his Majesty's dominions.

GENTLEMEN OF THE ASSEMBLY.— I issued writs for the election of this Assembly, and for their meeting so soon as the season of the year would admit of it, there being many things that require your early attention, and I hope you have brought with you dispositions equal to your abilities, to consult his Majesty's honor, and the true interest of the people whom you represent, which are so linked together that they cannot be separated without evident injury to the country. Your duty and allegiance exact the first, and the other is expected from you by the people. You have besides these obligations many other that ought to excite your gratitude to the best of Kings. Your trade and navigation are secured by a guard ship, your frontiers and settlements by a land force, which are maintained at a great expense to England, while you reap the benefit of his Majesty's bounty and goodness, both in the protection they give you, and in the large sums of money that they expend yearly among you. You are happy in the full enjoyment of your sacred and civil rights and liberties; in a word, you are possessed of all those inestimable blessings that are peculiar to Englishmen, and which the people of other countries would purchase at the expense of all they are worth. Being in this happy situation, it ought to be your principal care to show your gratitude in supporting his Majesty's government, by which you are protected in the enjoyment of those felicities. Look up then to the great example of a British parliament who express their duty, their zeal and affection to his Majesty, by devoting their first counsels to his service, in giving him an honorable revenue. Do you so likewise, and then you may with confidence hope for the continuance of his royal favor in all things reasonable, the surest means to make you a flourishing people.

There is now a long arrear due for the support of government, the yearly amount whereof you well know. I there-

fore earnestly recommend it to you to make speedy and ample provision for the payment of it, and give to his Majesty, for such term of years as former Assemblies have done before you, an ample and honorable revenue for the future support of this government, which his Majesty expects from you.[1] Former Assemblies have done this ever since the happy revolution, and some of them at a time when the Province was far less populous, when your trade was much inferior to what it now is, and when a detachment of the militia was yearly sent to Albany, at a large expense to the colony, to defend the frontiers against the French, with whom we were then at war; a situation widely different from the happy peaceful state wherein you now are, and which I hope you will long enjoy, by the powerful influences of his Majesty's just and steady measures, guided by the most consummate wisdom.

The fort in the Mohawk's [or "Seneca's," according to Assembly Journal] country, and one part of the barracks in Fort George, will tumble down if they be not speedily repaired. I therefore recommend it to you to make effectual provision for those purposes. Your own interest requires it as it will be much less expense to repair than to rebuild them.[2]

I have again sent some persons to reside in the Sinneca's country this year to defeat the attempts of the French, who are always industrious to alienate the affections of the Indians from us; and I make no doubt (if you will enable me) of obtaining from the Sinnecas some land at Tierondequat sufficient to erect a fort on and to raise provisions to victual a garrison, which will be of great use in that place, both in securing your fur trade, and the fidelity of the Six Nations; and as they are matters of great importance to you, they require your present attention.

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[1] An act providing for the support of government, chap. 673a, was passed April 14th. The act was to be in force from May 1, 1739, to December 1, 1740.

[2] A fortification act, chap. 675, was passed October 25, 1739.

This is the year that the Six Nations expect of course to meet me at Albany; but as the late Assembly neglected to give the usual sums of money for that service, I recommend it to you. I for my part will be ready to meet them there if you enable me, and I hope you will do it in time, least a disappointment of their expectations should shake their fidelity to his Majesty, the consequences whereof may prove fatal to the Province.

The peopling of that part of the country to the northward of Sarachtoga [Saratoga] will be of great advantage to the Province, as well in strengthening the frontier, as in enlarging your trade. Several families arrived here the last fall from North Britain who are willing to settle there, and more are expected from thence this year, but as they are poor they will want some help to enable them to subsist their families until by their labor they can raise provisions to subsist themselves, and I am persuaded that you will give them some needful assistance.

GENTLEMEN.—I have received his Majesty's disapprobation of the act of Assembly passed in the year 1737 for the frequent election of representatives to serve in general Assembly, and for the frequent meeting of the general Assembly so elected, a copy whereof I have ordered to be laid before you that it may be entered in your journals.

The act passed in the year 1699 for the regulating and returning able and sufficient jurors being expired, I recommend it to you to pass a bill for the like purpose, and that it may be more effectual, you will do well to consult the laws of England on that head, and to make it as agreeable thereto as the circumstances of the Province will admit of, such a law will be of great advantage to the Province in guarding and fencing the lives, liberties and properties of the people from the dangers that may otherwise threaten them, and such a law too ought to be perpetual.

GENTLEMEN OF THE ASSEMBLY.—The making good the deficiencies of the revenue and giving a future support for a

term of years require at this time your most serious consideration, as the tranquility and prosperity of the Province do in the highest degree depend thereon, nor is your own reputation or honor less concerned therein, since your actions, not words, must be the measure of your zeal and affection to his Majesty's person and government. You have now an opportunity to show that your zeal and affection are nothing short of that which former Assemblies have manifested on the like occasions. You will thereby too have opportunities to establish a perfect and lasting harmony in the Province and to gain the applause of every well wisher to the country by passing such bills as may conduce to make you an opulent people. Do you what is incumbent on you and you will find me ready to assent to such bills as are not inconsistent with his Majesty's honor and my duty.

GEORGE CLARKE.

SPECIAL MESSAGES.

April 7. Thanking the Assembly for its address, the Lieutenant-Governor said "you cannot take a surer way to have your laws approved, than by making them agreeable to those of England."

April 9. Transmitting the King's veto of the act "for the frequent election of representatives to serve in General Assembly, and for the frequent calling and meeting of the General Assembly, so elected." It was deemed an infringement of the King's prerogative by taking away his undoubted right "which the Crown has always exercised, of calling and continuing the Assembly of this Colony at such times, and as long as it was thought necessary for the public service." (See 1737, note 6, ante, p. 267.)

The same day the Lieutenant-Governor sent a message to the Council thanking it for its address.

April 14. After the approval of two acts, the Assembly requested permission to adjourn because of the prevalence

of smallpox in the city. The Lieutenant-Governor consenting, a recess was taken until the fourth Tuesday in August.

1739. AUGUST. TWENTY-SECOND ASSEMBLY, SECOND SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The Assembly met the 28th of August, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—At the opening of this session I recommended to you many things of high importance to his Majesty's honor and service and the true interest of the Province, which I hope you will now most seriously consider, and at the same time provide for the finishing of the battery in this city, that before it be too late it may be put in such a condition as may secure you from the attempts of an enemy. The Mohawks are very uneasy that Fort Hunter has been so much neglected, and if it be not out of hand rebuilt or repaired I fear they may take a resolution to leave their country and go to Canada.[1]

As my thoughts are always employed to make this a more flourishing country, I have reflected on the decay of ship building, which for many years has been much regretted, but little attempted to be retrieved.

Nature has been very bountiful in giving you in a better measure than to your neighbors all things necessary for so beneficial a branch of trade, beneficial to all degrees of

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[1] The Assembly, as noted in the Special Messages, procured from the Lieutenant-Governor estimates of the expense of repairing fortifications, and following the receipt of this information, adopted resolutions to provide for needed repairs at several places and fix the amount to be appropriated for such purposes. A law on this subject, chap. 675, was passed at the next session, October 25, 1739.

men, and yet almost wholly unthought of or neglected. I am not ignorant that many causes may be assigned for its decay, some of which and particularly one it is not in the power of the merchant or builder at present to remove, nor do I see any other way whereby a remedy may be applied than by your aid. If the demands of the builder be higher than in the neighboring Provinces, the merchant will not, cannot build here without injuring himself. If the builder undertake the work at the same rate that is given in the neighboring Provinces, he complains, and I fear with too much truth, that he labors only to be undone, for the excessive wages of carpenters which he must be obliged to hire for want of apprentices runs away with his profit, and he cannot take apprentices being unable in his present poverty to maintain them. It is you alone who can apply a remedy to this evil, and you may do it at a very small annual expense, for I am persuaded that two hundred pounds a year given to ship building with apprentices at the rate of eight hundred pounds a year with each apprentice for six or seven years, will soon revive that necessary and useful work. It will make ship builders willing to take apprentices, enable them in their present necessities to maintain them and to build for the merchant at as low a rate as in the neighboring Provinces, and from such a nursery of ship carpenters you may in a reasonable time hope to see that branch of trade grow to a great height. You will then keep among you many thousand pounds which are now yearly exported out of the Province by your neighbors who are at present your carriers. It will enable the merchants and factors to make quicker remittances to England and give new life and vigor to trade in general, the good effects whereof every man in the Province will soon feel, nor will any part of the money thus given by you be lost to the Province, since it will all remain and circulate in it. Something is absolutely necessary to be done to revive this withering branch of trade, and if you can fall upon any

method more easy, more practicable and more conducive to that end, I will most heartily concur with you in it. Your own immediate interest requires a speedy and effectual remedy, and I hope you will not let this session wear away without applying it.

GENTLEMEN.— The Governor of the Province of the Massachusetts Bay having sent me a vote of the Assembly of that Province and wrote to me himself signifying his and their desire to have the boundaries of the two Provinces settled by commissioners, I now lay those papers before you, hoping that you will enable me to defray the expense of that work on the part of this Province, that the people of the Massachusetts may be confined within their proper bounds, the peace on the frontiers preserved, and the inhabitants of those parts know more precisely to whom they owe their obedience. If you do this it will be necessary that a law be passed in each Province to make the agreement of the Commissioners conclusive to both, and when I know your resolutions I will write to the Governor of the Massachusetts upon it.

The soldiers in the respective garrisons being at present without bedding, kettles, bowls or platters, I earnestly recommend it to you to make at this juncture some provision for it, as well as for powder, until stores are sent from England.[2]

GEO. CLARKE.

SPECIAL MESSAGES.

August 29. Transmitting several papers referred to in his speech.

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[2] The Assembly adopted a resolution, September 22, expressing the opinion that the garrison supplies being for the King's regular troops should not be furnished at the expense of the Province.

September 5. Replying to the Assembly's request for an estimate of the amount required to put the colony in a posture of defence, the Lieutenant-Governor presented an estimate as to the battery in New York and said he would present other estimates as soon as he could obtain the needed information.

September 18. Transmitting further estimates of the expense of repairing fortifications, the Lieutenant-Governor said he hoped that when the Assembly considered this subject, it would also "make honorable provision for the support of his Majesty's government, in as ample a manner as former Assemblies have done," and that "on those terms" the Assembly would always find him ready to pass such laws as may be for the good of the country. He also said that the victuallers at Oswego complained that their warrants had not been paid promptly and recommended that the Assembly inquire into the matter and take such action as might be needed.

October 2. Transmitting a letter from Governor Jonathan Belcher, of Massachusetts, urging immediate action by the Assembly relative to the boundary between the two Provinces.

October 3. Proroguing the Assembly, the Lieutenant-Governor said:

"I come to put an end to this session, and to give you a short recess; I was in hopes, and I believe every reasonable man expected, that at this juncture, you would seriously have laid to heart the true interest of your country, by showing your duty and loyalty to his Majesty, in supporting his Government in an honorable manner, from whence you might assuredly expect my assent to such good laws as you might prepare for it; your constitution is built upon a plan, as nearly resembling that of England as the nature of the thing would admit of; why would you not then tread in the steps of a British Parliament? Wise

men make choice of the best examples for their conduct; you cannot have a greater or better, nor can your wisdom be more conspicuous, than in taking that of a British Parliament, who though they have ever been jealous of the rights and liberties of the People, yet have always been zealous and forward to support the government that protects them; they look upon the obligations to be reciprocal; and as they expect protection, so in the first place they support the government that it may be able to give it them; they know the right and prerogative of the Crown, nor do they attempt to invade them. They give a gross sum for the civil list, which is here called a revenue for the support of government; they appropriate it to that use, but do not touch upon the application or disposition of it, that being the legal and known prerogative of the Crown, and the deficiencies are made good in the like manner.

That you may have time to reflect seriously on these things, I have thought fit to prorogue you to the 9th day of this present month of October; and I do accordingly prorogue you to the 9th day of this present month of October; on which day you are to meet at the City Hall, and proceed on business, the government having been long without a support, and the people wanting many things for their convenience; these ought to go, and must go hand in hand; a proper revenue is the sinews of a government, but if it wants strength, how can it give protection?

GEO. CLARKE."

The Assembly was prorogued to October 9.

1739. OCTOBER. TWENTY-SECOND ASSEMBLY, THIRD SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The Assembly met on the 9th of October according to prorogation, and the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The short prorogation you have had being intended to give you an opportunity to reconsider those things which at your last sitting I recommended to you for his Majesty's honor and the interest of the Province, I will not give you the trouble of a repetition but refer you to them, hoping that you will effectually provide for them, wherein, as well as in all other things for the benefit of the Province, you shall find my ready concurrence.[1]

GEO. CLARKE.

SPECIAL MESSAGES.

November 7. Transmitting the King's approbation of a private partition act passed in 1734.

November 17. At the Lieutenant-Governor's suggestion, the Assembly adjourned to the second Tuesday in April, 1740.

1740. JUNE. TWENTY-SECOND ASSEMBLY, FOURTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

On the 8th of April eight members met and adopted a resolution reciting that there was no urgent necessity for a

[1] An act for building fortifications, chap. 675, was passed October 25th. An act for the support of government, chap. 677, was passed November 17. This subject had been considered and earnestly recommended by the Lieutenant-Governor in his opening speech, and also in a special mesage at the preceding session. The act was to be in force one year from December 1, 1739.

session until after harvest and seed time, but "by reason of the uncertain state of affairs in Europe," it was believed that the second Tuesday of May would be early enough. The Lieutenant-Governor concurring, the Assembly adjourned to the second Tuesday of May. The Assembly met May 13th, when another resolution was adopted, again declaring that there was no necessity to proceed upon business until after harvest, "yet as his Majesty is engaged in an actual war, it may be prudent to make a shorter adjournment." It was also suggested that the Lieutenant-Governor intended to renew the treaty of friendship with the Six Nations of Indians at Albany, and that therefore the adjournment should be to such a time as he might think proper. Concerning the proposed adjournment the Lieutenant-Governor said:

"I agree with this opinion of the House, but as an Adjutant-General is daily expected from England, for raising volunteers on this continent, upon an expedition against some Spanish settlements in the West Indies, it would be improper that I should be absent from this City when that Gentleman arrives; for which reason, I have foreborn to appoint a time for the Six Nations to meet me at Albany; I do however approve of a further adjournment, and desire the House will accordingly adjourn itself to the third Tuesday in June next."

The Assembly adjourned accordingly. The Assembly met June 17th, and adjourned to the 30th, at which time the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—His Majesty having been called upon by repeated provocations to declare war against Spain, and being determined by God's assistance in so just a cause to vindicate the honor of his imperial crown, to revenge the injuries done to his subjects, to assert their undoubted rights of navigation, and by all possible means to attack, annoy and distress a nation that has treated his people

with such insolence and barbarity, has given orders for the equipping and setting forth of an expedition against the territories of the Catholic King in the West Indies, which will consist of a large squadron of ships of war, and of a considerable body of land forces with a suitable train of artillery, store ships and all things requisite, and has likewise given orders to raise a body of troops in his Majesty's colonies on the continent of North America to join those to be sent from England at a particular rendezvous. I have in obedience to his Majesty's commands taken the best measures in my power to invite and encourage his Majesty's faithful subjects in the Province cheerfully to enlist in his Majesty's service for this expedition, but it is in your power to do much more by giving a bounty to every man who enlists in this service, and I am persuaded it will be such as will show the world that you will not be behind the most zealous of his Majesty's subjects in promoting this glorious enterprise. Now although by the success of this expedition the commerce and navigation of this Province to and from the West Indies will not only be secured but greatly increased by the large possessions which by the blessing of God on his Majesty's arms will fall into his Majesty's hands, and although by such acquisitions a door will be opened for a larger consumption of provisions (the staple of this Province) whereby the farmer as well as the merchant may be greatly enriched, yet it is but little that his Majesty expects from his dutiful and loyal subjects of this Province towards the expense of this expedition, and I am commanded by his Majesty to recommend it to you in his name, as I do most earnestly, that you provide victuals, transports and all other necessaries for the troops to be raised in this Province, except clothes, tents, arms, ammunition and pay, till their arrival at the general rendezvous in the West Indies, from which time the said transports are to enter into his Majesty's pay, in the doing whereof I hope you will lose no time that the expedition may not be retarded. His Majesty's expecta-

tions are so just and reasonable, and the prospect of advantage to the Province so clear, that I persuade myself you will cheerfully and immediately provide for the expense of what is recommended to you.[1]

These things being matter of the highest importance, I will not now take off your attention by recommending anything else to your consideration, hoping you will give this business the utmost dispatch, wherein you will in a very particular manner recommend yourselves and your country to his Majesty, whom God alone preserves.

GEORGE CLARKE.

SPECIAL MESSAGES.

July 1. Transmitting a copy of the eighth instruction received by the Lieutenant-Governor, relative to a proposed expedition against Spanish settlements in the West Indies, as follows:

"But we trust and expect, that our Assembly of New York, will provide victuals, transports, and all other necessaries for the troops to be raised in our Province, except their clothes, tents, arms, ammunition, and pay, until their arrival at the General Rendezvous in the West Indies, from which time the said transports shall enter into our pay; and you are hereby directed without loss of time, to recom-

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[1] The Legislature acted promptly and generously. A force of volunteers was raised, and on the 12th of July an act, chap. 693, was passed appropriating twenty-five hundred pounds for the expense of transporting the forces to a place of rendezvous in the West Indies, and for their maintenance until their arrival there. The instructions from the home government provided that on the arrival of the transports at the rendezvous they should enter the King's pay.

It is a coincidence worth noting that during the war between the United States and Spain in 1898, the Legislature made an appropriation for the expenses of the national guard, naval militia and volunteers who were called into service by the President, and that after they actually became members *of* the United States army, their pay, maintenance and other expenses became a charge on the national treasury. The State, like the Province in the earlier war, bore some part of the expense for which it was not reimbursed by the national government.

mend to the said Assembly in our name, to make such provision, that the expedition may not be retarded for want thereof."

July 1. Acknowledging an address from the Council, assuring the Lieutenant-Governor of its cordial support in the proposed expedition against the Spanish West Indies. The Assembly also adopted a resolution approving the expedition.

July 12. At the Lieutenant-Governor's suggestion the Assembly adjourned to the second Tuesday in September.

1740. SEPTEMBER. TWENTY-SECOND ASSEMBLY, FIFTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The Assembly met on the 9th of September, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—At your last sitting you gave a sum of money for transporting and victualling five hundred men to be employed in the expedition against the Spaniards, that being the number you then thought would be raised in this Province for that service, but there being now another company of one hundred men raising and almost complete, I recommend it to you in his Majesty's name to give a further sum for victualling and transporting them to the place of rendezvous, and I persuade myself that his Majesty's honor, the interest of your country, and a due reflection on the signal and constant benefits you receive from his Majesty's paternal care of this Province, will inspire you with dutiful and grateful sentiments and induce

you to show your zeal on this occasion with the utmost cheerfulness.[1]

The apprehensions that the people on the frontiers were under last fall of a rupture with France made it necessary to have a double garrison all the winter at Oswego, but there being then no provision made for the victualling of the additional number of men, one of the contractors undertook it, hoping that the Assembly would pay him, and I now recommend it to you. Oswego is a place of great importance to you and ought by all means to be preserved if it can be without weakening the garrisons in the other frontier places; and I am persuaded that if proper provision be made by you for it now, when the support of that garrison will fall under your consideration, the last act being upon the point of expiring, a sufficient number of the Six Nations of Indians may be induced to stay there with the usual garrison for its defence in that part of the year when the traders leave it to return to their own habitations.[2]

Desertions from his Majesty's ships of war and land forces in this Province have of late been so frequent that unless some good law be passed to prevent the like for the future, they may be unable to protect either your trade or country. By passing such a law you will show your zeal for his Majesty's service and the welfare of your country.[3]

The Mohawk sachems have represented unto me the irreparable conditions of the chapel formerly built for their religious worship and desiring to have a new one built, I cannot but earnestly recommend it to you as a thing worthy

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1 No appropriation was made for the additional company. On the 16th of September, the Assembly expressed the opinion that the appropriation of twenty-five hundred pounds made at the last session would be sufficient for this purpose, but if not, no additional burden should be laid upon the colony.

2 An act, chap. 704, was passed November 3d, making an appropriation for the support of the garrison at Oswego for two years.

3 No act was passed, but on the 26th of September, the Assembly adopted the report of a committee, in which the opinion was expressed that the acts of Parliament in relation to desertions were sufficient, and that this view had been entertained by the Provincial government.

the consideration of a Christian Assembly. The progress already made by the Reverend Mr. Barclay opens to our view a glorious prospect of spreading the Christian faith and worship throughout all the Six Nations, especially if he be enabled by you to proceed in the work he has so happily and successfully begun.[4]

The revenue being now expired, I recommend it to you to give his Majesty for the support of government such an ample one, and for such term of years as former Assemblies have given, whereby you will strongly recommend yourselves to his Majesty's grace and favor.[5] At the same time it will be necessary to prevent by some good law all illicit trade so much complained of by the fair trader and so injurious to the revenue.[6] And I hope you will think it high time to give some effectual encouragement to ship building.

GEORGE CLARKE.

SPECIAL MESSAGES.

September 11. Transmitting information relative to the Spanish expedition.

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[4] September 26th the Assembly adopted the following report of a committee which had this subject under consideration:

"As to the present condition of the Chapel in the Mohawks Country, the Committee were in expectation that one of the Block houses in the Fort lately built there, would have been made of a dimension sufficient to contain all the Indians remaining there who have embraced the Christian religion. But in case either such Block House will not accommodate them in their religious meetings, or that the said chapel is not like to last long for that service, the Committee are of opinion that a new one may be erected by the voluntary subscriptions of all well disposed Christians, as most of the edifices for divine worship have been built in this Colony. And as such a chapel will open a hopeful prospect of spreading the Christian Faith and Worship, amongst our other Indian Nations, the Committee are persuaded such subscriptions will not be wanting; especially as the several members of this House have already subscribed towards it."

[5] An act, chap. 703, for the support of government was passed November 3d, to be in force one year from the 1st of December, 1740.

[6] By the act for the support of government, chap. 703, passed November 3d, provision was made for the enforcement of revenue laws and the prevention of illicit trade.

September 25. Relative to expense incurred in connection with the triennial bill;[7] and also informing the Assembly that because there was no colonial agent, certain stores sent by the home government could not be used.[8]

October 24. Announcing the royal approbation of an act for the partition of certain lands in the township of Oyster Bay.

November 3. The Assembly was prorogued to the second Tuesday in April, 1741.

1741. APRIL. TWENTY-SECOND ASSEMBLY, SIXTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The Assembly met April 14th, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— If you look back to the happy revolution and call to mind the great and constant protection that you have from that time received from the gracious and bountiful hands of his present Majesty (whom God long preserve) and of his royal predecessors in the enjoyment of your civil and sacred rights and privileges, and in the security of your trade and defence of the country at a vast expense of the crown, you will find that you have been more highly favored than any other of his Majesty's Provinces; and every thankful breast must acknowledge it deserves the highest returns of gratitude and duty, not in words but in

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7 The general appropriation act, chap. 706, passed November 3d, provided for the payment of the expense incurred in soliciting the royal approval of the triennial assembly act of 1737.

8 On the 4th of October the Assembly adopted a report declaring in substance that on the arrival of the stores sent by the home government, provision would be made for discharging any expense connected therewith.

actions, the only sure evidence of the sincerity of men's hearts. The people lived in ease and quiet under the most excellent constitution of government, everyone enjoying the fruit of his labor without molestation or fear of oppression, a happiness which none but his Majesty's subjects know, in a grateful and dutiful acknowledgment whereof they for may years supported the government in a manner conformable to that of the Parliament of England, like them too never questioning the King's royal prerogative and undoubted right to appoint officers for the management of his revenue.

But whether grown wanton by prosperity or whatever else it was they began to divert from the example of the Parliament, demanding to have the nomination of a treasurer for the receipt and management of the money to be given, not for the support of government, but for extraordinary uses, and being indulged in this, they soon grew in their demands, and insisted upon having the revenue likewise put into his hands, it being constantly before managed by the King's officer, his Majesty's Receiver-General, who had and still has a salary allowed him for that service, which is paid out of his Majesty's quit rents. This prosperous beginning encouraged them to go on farther, and it was a bold and large stride they next took; they considered that notwithstanding they had the nomination of a treasurer, yet he was not so entirely under their direction and in their power but that his Majesty's auditor-general had the inspection and control of his accounts; an office of great distinction and of absolute necessity for his Majesty's service, established in King Charles the Second's time, and at present in a person of very high honor, interest and trust at home, of whose influence the plantations have often felt and may as often feel the happy effects. Yet so inordinate is the thirst of power that no consideration how equitable, prudential or beneficial soever must stand in its way. Wherefore after the expiration of the revenue in 1709,

which till then had been all along given without any particular application, they resolved to get rid of all restraint at once, and to attain their ends refused to support the government unless they had the particular appointments of the officers' salaries, thereby making themselves judges what officers were proper, what not, in consequence whereof, among others they left the Auditor-General without any salary or reward, although his salary was established soon after the revolution and constantly paid, thus fixing on themselves the dependence of the officers for whom they provided (for men are naturally servants of those who pay them) they in effect subverted the constitution, assuming to themselves one undoubted and essential branch of his Majesty's royal prerogative.

I would willingly persuade myself that nothing but the late disorders which so much distracted the minds of the people kept them from returning to a just sense of their duty to his Majesty, and that now these disorders are happily ended, sober and reasonable counsels will take place and the example of that august body, the Parliament, will be the rule of your future actions. This and only this will remove as to this Province a jealousy which for some years has obtained in England, that the plantations are not without thoughts of throwing off their dependence on the crown of England.[1] I hope and believe no man in this Province has any such intention, but neither my hopes nor belief will have the weight of your actions, and as you have it in your power, so it is your duty and true interest to do it effectually by giving to his Majesty such a revenue and in such

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1 Replying to the Lieutenant-Governor's suggestion as to a possible movement for independence, the Assembly in its address presented to him on the 25th of April, say it dares "vouch that not one single person in the colony has any such thought or desire, for under what government can we be better protected, or our liberties and properties so well secured?"

Thus it appears that thirty-five years before the Declaration of Independence, the possible separation of the American colonies was a subject of discussion and public concern in England.

manner as will enable his Majesty to pay his own officers and servants, whereby they will be reclaimed to their proper dependence, and such as the flourishing condition of the Province will amply admit, which from the great increase of the trade and people, is well known to be vastly better than it was above forty years ago, when and for many years before and after, such a revenue as I speak of was given by the then Assemblies at the same time that large sums of money were raised to pay detachments of the militia which were sent to the frontiers for their defence in time of war.

The next thing I recommend to your consideration is the defence of the Province, for though all that human wisdom or foresight could do to preserve us in peace has been done, and we have long enjoyed the blessings of it, yet if appearances at a distance deceive not, there is great cause to apprehend a speedy rupture with France. Your situation, therefore, ought to awaken you to a timely provision against that event in fortifying this town in a better manner than it is at present, by erecting batteries in proper places upon some of the wharves facing the harbor, others upon the side of Hudson's River adjoining to the town, and one at Red Hook upon Long Island to prevent the enemy from landing upon Nutten Island. You will see by his Majesty's order, which I will communicate to you, that his Majesty has been graciously pleased of his great bounty and care of your preservation, to order a large quantity of stores of war to be sent hither, among which is a great number of ordnance, so that the batteries to be built may be proportioned to the number of ordnance proper for them, those of the smallest sizes being better suited to the frontier forts in the county of Albany. Powder, ball (flags, none of the forts having any at present) and whatever else is wanting for the ordnance, the forts and batteries and general defence of the Province, you must provide in time, as well as for the expense that will unavoidably accrue on

the arrival of the stores for carrying them to proper places, mounting the guns and other necessary services.[2]

The house at Oswego being of the highest importance to the fur trade, ought by all means to be preserved from falling into the hands of the French, which it will do if some speedy and effectual care be not taken to put it into a posture of defence; for which end it is necessary that it be surrounded with strong and proper works, and that the garrison be proportionately augmented, and if to his Majesty's troops in garrison there, a sufficient number of Indians of the Six Nations be added, it might have the best effect, especially if those nations can be brought to let the Governor of Canada know that they have taken upon them to defend it, as the only place where they can be supplied at a moderate rate with such goods as their necessities require, which perhaps they may be induced to do if they are dealt with in time and before an actual rupture with France; and I am of opinion it is absolutely necessary that I meet them as I will readily do so soon as you enable me, not only for that purpose, but also to confirm them in their fidelity to his Majesty, which by the intrigues of the French has of late years been much shaken. If we tie them closely to us, and there is no other way to do it than by presents, they will be our best barrier and the surest protection of the frontier settlements at the least expense, though it cannot be expected but that it must be greater than in time of peace, both because it will be necessary they be oftener treated with, and that the Commissioners of Indian Affairs be more amply supplied with money, as their occasions to employ Indians as spies upon the designs and motions of the enemy will be more frequent. If you suffer Oswego to fall into the hands of the French, I much fear you will lose the Six Nations, an event which will expose the whole country to the merciless spoil and barbarous cruelty of a savage enemy, the miseries whereof a neigh-

[2] June 13th an act, chapter 707, was passed for fortifying the colony.

boring Province has often felt nor could prevent at a vast charge. Wherefore, at any expense Oswego ought to be maintained that the fidelity of the Six Nations may be preserved. I have done my duty and discharged my conscience in giving you this warning; do yours, and save your country from ruin. At present, if any part of the Province should be invaded and money absolutely necessary for any service, even in such an exigency I cannot either with or without the advice of the Council draw for a penny, a circumstance well worth your consideration.

Gentlemen.— The militia ought to be put under some better regulation in case of an invasion, nor should any man that is able to bear arms be exempted from serving and doing duty.[3]

An agent in England to negotiate the affairs of the Province is always necessary. It is owing to the want of one that we have not yet received the stores of war, and to the same cause you must impute whatever other disadvantage you may feel by not having the affairs of the Province properly represented and duly solicited by some gentleman, whose integrity, abilities and person being well known to the ministry, will give him access to them at all time.

I wish with all my heart I had no more to say to you at this time, but how melancholy soever it be, I am obliged to mention to you the late fatal fire that laid in ashes the house, chapel, barracks and secretary's office in his Majesty's fort in this town, accidentally occasioned by mending a gutter on the roof of the house adjoining to the chapel, which having leaked all winter had much damaged and would soon have rotted the timber and floors of that part of the house, so that what was intended for its preservation, unhappily turned to its destruction. I need not tell you how necessary it is to have them speedily rebuilt;

[3] June 13th an act was passed, chap. 708, requiring persons exempt from duty under the militia law to take their turns in watching in the city of New York.

without doubt you are sensible of it, and will make provision accordingly.[4]

The frequent fires which have happened in this town since that at the fort, giving room from many circumstances to believe they have been kindled by design, call for some effectual law to restrain the too great license that the negroes are allowed, or that they take without it, in assembling in great numbers, and at times and in places that give them opportunities of caballing; and the great losses that have been sustained by means of those fires when goods have been removed to preserve them from the flames, requires some method to secure them for the future from being stolen. A night guard of the militia will be very proper, to be constantly kept on foot, especially in time of war, but they must be obliged to that duty by proper penalties; and provision ought to be made for billeting the men who may be ordered to this town for its defence whenever occasion requires.[5]

GEORGE CLARKE.

SPECIAL MESSAGES.

April 27. The Assembly having presented to the Lieutenant-Governor an address in which were considered several subjects embraced in his speech at the opening of the session, he delivered the following answer which sufficiently points out the matters on which there was a difference of opinion:

"In your address you say that her late Majesty, Queen Anne, directed that you should have a Treasurer of your own, but you do not say for what purposes; had you done that, it would have appeared, that it was only for money given for extraordinary uses, and not the revenue; I allow

[4] Provision was made in the fortification act, chap. 707, passed June 13th, for rebuilding the secretary's office and the barracks.

[5] An act providing for military watches in New York, chap. 708, was passed June 13th.

you may enquire into the management and disposition of all the public money given by you, and if you find any misapplication of it, you may censure the guilty, and by address and other proper application making known those misapplications, justice will be done; but that can be no reason for putting the revenue into other hands than the King's officer, or for your taking upon you to apply to particular persons and uses, the money you give for support of government, which is the encroachment on the King's prerogative that I mentioned; notwithstanding the Auditor-General has a stated salary allowed him, yet his fees for auditing the accounts of the revenue, in his Majesty's other Provinces are paid him out of the money accounted for in those accounts, as they were here, and there is no good reason to be given why they ought not to be paid in like manner for the future.

The preservation of Oswego, and of the fidelity of the Six Nations is of more consequence to the Province than any other thing whatsoever, and if we lose them, no part of the country will be safe, as I believe you are all sensible of from the manner of annoying their enemies. I for my part will spare no pains to retain them in their fidelity to his Majesty.

It will be too late to think of buying powder when an enemy appears; that ought to be done by you in time.

What bills you prepare, which I shall judge to be really necessary or beneficial to the Province, I will readily give my assent to."

May 28. At a joint meeting of the two Houses, the Lieutenant-Governor delivered the following speech:

"Since I spoke to you at the opening of this session, I have had the honor to receive a letter of the 4th of December last, from his Grace the Duke of Newcastle, his Majesty's most principal Secretary of State, signifying That as it is probable that recruits will be wanted for the forces

under Lord Cathcart's command, or even that Lord Cathcart may write to have a greater number of troops from North America than are at present sent to him, it is his Majesty's commands that if Lord Cathcart should think proper to write to me for any number of men for recruits, or for any other service, I should endeavor to raise them; wherefore it being probable that General Wentworth, who succeeds Lord Cathcart in the command of his Majesty's Forces in the West Indies, may in the time of your recess write to me for recruits or new levies, I thought it necessary at this time to recommend to you to make provision for the victualling and transporting such number of men as I may raise in obedience to his Majesty's commands for the purposes mentioned; lest, if I wait your next meeting before I recommend it to you, his Majesty's service may suffer by delay. You cannot more effectually show your zeal for his Majesty's honor and service, and the prosperity of this Province, than by exerting yourselves on this occasion; and I hope the glorious beginning already made by his Majesty's forces will help to excite you to speedy and generous resolutions.[6]

GEORGE CLARKE."

He also transmitted a communication from the Commissioners of Indian Affairs at Albany, showing, among other things, that on account of the scarcity of provisions in the Indian country, a great number of Indians intended to come to Albany, and the Commissioners appealed to the Lieutenant-Governor to furnish a supply of provisions for the Indians, to prevent the hardship which would otherwise fall upon the inhabitants of Albany.[7]

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[6] The Assembly on the 29th of May, adopted a resolution postponing until the next session action relative to recruits for the expedition against the Spanish West Indies.

[7] The fortification act, chap. 707, passed June 13th, appropriated one hundred pounds for the purpose of furnishing supplies to the Indians in response to this suggestion.

The communication also recited various acts of the French, showing encroachments in the Indian country.

June 13. The Legislature adjourned to the third Tuesday in September.

1741. SEPTEMBER. TWENTY-SECOND ASSEMBLY, SEVENTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

A quorum did not appear until the 17th of September, and on that day the Lieutenant-Governor delivered the following

OPENING SPEECH.

Gentlemen.— At your last sitting I acquainted you that I had received his Majesty's commands to raise recruits for his Majesty's forces in the West Indies, and even new troops when the General should write for them. I recommended it to you to make provision for victualling and transporting such a number of men as I might so raise, whereupon you resolved at your next meeting to take into consideration what may be proper to be done by this colony in relation to that part of my speech which related to recruits for the expedition against the Spaniards in the West Indies if General Wentworth, or the General of those forces for the time being, should in the meanwhile apply for such recruits from the said colony.

Gentlemen.— General Wentworth has wrote to me for recruits and new forces, wherefore I now call upon you to come to a speedy resolution to provide provisions and transports for the men I may raise for that service.[1] His

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[1] An act, chap. 717, passed November 27th, appropriated five hundred pounds for transporting and victualling troops to the West Indies.

Majesty's forces have now gained sure footing on the island of Cuba, and you will be very much wanting in your duty to his Majesty and to the interest of this Province if you do not give all the assistance in your power to strengthen his Majesty's army there, which by the Divine assistance may enlarge their conquests to that extent as may give large and numerous settlements to such a colony of people as may in time take off more of the provisions of these northern Provinces than all the other islands in the West Indies; an event that will increase and secure our trade and navigation and enrich you beyond all other means that can be devised.

GENTLEMEN.— You cannot be too careful to preserve by good laws the reputation of bread and flour, the staple commodities of the Province, which when once lost it will be very difficult to retrieve, nor is less care required to prevent the bakers and bolters from committing frauds in the care of their casks, an evil at present very much complained of and calling for speedy redress.

GENTLEMEN.— It is high time for you to make provision for rebuilding the house, chapel and the rest of the barracks and edifices in the fort that were destroyed by the late fire kindled in consequence of the horrid result of an execrable conspiracy to burn this whole town and to destroy the People, which nothing but divine Providence hindered from being fully executed; nor do I think we ought now to rest in such supine security as to be careless of our present and future safety, wherefore I think it necessary that the people be obliged by some good law to continue their military night watches, and the officers thereof authorized under proper regulations to preserve the city from all dangers in the night time, which I recommend to your consideration, the act lately passed for the more equal keeping military watches being by its own limitation soon to expire.[2]

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[2] A night watch law, chap. 711, was passed November 7th, and the city of New York was authorized to raise funds for the purposes of the act.

Gentlemen.— There are several things which I mentioned to you at your meeting in the month of April last, some whereof have not been at all, and others not so fully considered and provided for by you as they ought. I do therefore, referring you to what I then said, now again recommend those things to you. I cannot, however, but in particular take notice to you that the ancient loyal and dutiful method of giving a revenue for a term of years and without applications has been too long disused, which has much weakened the natural constitution of the government, and if not speedily remedied, may involve the country in many and almost irretrievable miseries. Those evils it is in your power to prevent by giving to his Majesty such a revenue and for such term of years without particular applications of it as former Assemblies gave. Your country is much more able to do it now than ever it was; it is what his Majesty expects from you, what a Governor will insist on as his predecessors have done, and as he in reason ought, and what I truly and sincerely think is your interest, as it is your duty to do. This is the last opportunity I shall have to speak to you, and as I can consequently have no private view in it, that injurious insinuation which heretofore might take place in weak minds can now nowhere find reception, and every considerate man will from thence conclude that my urging you to give a revenue, in the manner I mention, proceeds from the just sentiments of my heart, as I assure you they do from the affection I bear to the Province whose true interest and happiness have been my daily study and constant care.[3]

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[3] November 7th, an act was passed, chap. 709, continuing for one year from the 1st of December, 1741, the act for the support of government passed in 1740. It appears from this act, and others already cited, that the Assembly had deliberately determined to limit to one year acts for the support of the government, and the executive appealed in vain for laws granting revenues for this purpose for a longer period. The provision limiting appropriations to two years, which was incorporated in the Constitution in 1846 was based on the colonial principle as expressed in the foregoing statutes.

SPECIAL MESSAGES.

October 9. Recommending that the garrison at Oswego be doubled as there seemed to be a probability of a rupture with France.

October 14. Transmitting a letter from the Commissioners of Indians Affairs, expressing the hope that the Assembly would take such action as would be most conducive "to the reclaiming the Indians, in their fidelity to his Majesty; and their dependency on this Province, and as becomes the present exigency of affairs."[4]

October 17. Proroguing the Assembly to the 19th inst.

October 19. The Assembly met according to prorogation.

October 27. Referring to the expedition against the Spanish West Indies, the Lieutenant-Governor said:

"I am in hopes from the progress already made in raising men for his Majesty's American regiment, that I shall be able to make up the number of two hundred, of which I desire you will acquaint the House, hoping they will make suitable provision for the transporting and victualling them, or such number as I may raise, whether it be more or less than two hundred." (See note 1.)

November 26. The two Houses joined in an address to the King based on an Assembly resolution, that a sum may be "graciously granted" sufficient for erecting a house and other buildings suitable for his Governors here, instead of those that have been destroyed in the Fort by the late wicked conspiracy. The Lieutenant-Governor was requested to join in the address, but declined. He had already in his opening speech recommended the erection of new public buildings in place of those destroyed. The address was sent by the Council and Assembly to George

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4 In response to this suggestion a provision was included in the act applying the revenues, chap. 717, passed November 27th, appropriating seven hundred pounds for presents to the Six Nations "when the Governor or Commander-in-Chief goes to Albany to renew the treaty with them there."

Clinton, the new Governor, who had been appointed on the third of the preceding July, but who was still in England.

November 27. At the Lieutenant-Governor's suggestion the Assembly adjourned to the third Tuesday in March, 1742.

1742. APRIL. TWENTY-SECOND ASSEMBLY, EIGHTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

A quorum of the Assembly appeared April 21, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The present face of affairs in Europe requires your sitting at this time, that you make speedy and ample provision for putting the fort in this town in a posture of defence; and it greatly wants a thorough repair, some part of the wall being already fallen down and other parts in a tottering condition, the sodwork mouldered away and the bastions and curtains without platforms; and unless these things be done the ordnance will be useless, and his Majesty's gracious purpose in sending them for your security will be defeated.[1]

Some charge has already accrued and more must unavoidably follow in carrying the ordnance and other stores to the respective forts and batteries for which they are intended, and it will be the greater, as most of those forts are remote from hence, particularly those at Oswego in the Mohawks country, and at Schenectady, and I recommend it to you to make suitable provision for it, as well as for the victualling of a double garrison at Oswego which will be

[1] An act, chap. 727, passed May 22d, provided for the repair of Fort George, the transportation of volunteers to the West Indies and other purposes.

highly necessary to preserve that important place from falling into the enemies hands in case of a rupture.

It is high time to set about building the house, chapel and other edifices that were consumed in the fort, as well as the stables and coach house without it, that when the Governor comes he may not be unprovided of an habitation and other conveniences suitable to his station, which is the more necessary to be speedily done, as he is soon expected, and no house that I know of to be hired that is fit for his residence.

General Wentworth having sent Captain Cosby and Col. Gooch's regiment to raise recruits in this Province for his Majesty's service, I earnestly recommend it to you to provide for the victualling and transporting so many as he may raise, and to do it with all expedition, which will not only forward the service, but likewise prevent desertions, and ease the recruiting officer of the great expense of maintaining them, which may be too heavy for him to bear if they be not shipped off in a short time after they are enlisted. Your zeal and dispatch here will not fail of recommending you to his Majesty.[2]

I have on the request of the Onondaga, Cayugas and Tuskaroras, three of the Six Indian Nations, sent a smith to reside for a year at Cayouge [Cayuga], for the payment of whom and of the persons residing in the Seneca's country I hope you will provide, as it will much conduce to the keeping of the Indians steady in the British interest.

When the act for regulating the militia comes under your consideration it will be necessary by it to oblige all men to an equal share of duty in day as well as night guards, that

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2 This recommendation was embodied in a provision in the act, chap. 727, passed May 22d, making an appropriation for the repair of Fort George, and the transportation of volunteers. The act suggested that there would not be more than twenty volunteers, and the appropriation for their transportation was limited to one hundred pounds.

the service be not too much imposed on them who have the least to defend, and little or nothing to support their families but what they earn by their daily labor.

GEO. CLARKE.

SPECIAL MESSAGES.

May 22. The Lieutenant-Governor recommended that the Assembly adjourn to the first Tuesday in August, and said that "if the public service required the sitting of the House on that day, it would by circular letters be signified to the several members."

1742. OCTOBER. TWENTY-SECOND ASSEMBLY, NINTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

Twelve members met on the 3d of August according to adjournment. After several adjournments, a majority appeared October 13, and the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The government being at present without any support, I earnestly recommend to you to take it into your immediate consideration, and to make such ample and honorable provision for it as former Assemblies have done.[1]

The act to support the garrison at Oswego being by its limitation to expire on the first of November in this present year, it is requisite that you prepare another bill to be passed before that time; and as a rupture with France seems almost unavoidable, it is absolutely necessary to provide for the victualling a garrison of forty men, lest for

[1] An act, chap. 729, was passed October 29th, continuing for another year the act of 1740, for the support of government.

want thereof that important place should fall into the enemy's hands, the consequence whereof will be the loss of your most valuable branch of trade, and but too probably occasion a defection of the Six Nations; an event that demands your most serious attention, as every part of the Province how remote soever some of the counties may be from those nations, will soon feel the cruel effects of it.[2]

Whatever happens, I shall have the satisfaction of having done my duty in pressing you to do yours, and I hope you will leave nothing undone that may give the people whom you represent cause to reproach you. The sense that I have of the vast consequence that the fidelity of these nations is to the British interest in general and to this Province in particular, and of the constant arts and intrigues of our national enemy to seduce them, makes me thus warm in my expressions. Had you the like opportunities that I have of knowing those things, I am persuaded your zeal would keep pace with mine, and make what I say needless or but matters of form, but as many of you live very distant from those Nations and can consequently know little of their importance to us but by information, I cannot with the discharge of my duty be silent or less earnest.

Captain Cosby has raised and sent to Jamaica twenty recruits for his Majesty's American regiment, and I hope you will make provision for paying the expense of their transportation, being persuaded that your zeal for his Majesty's service, which has carried you to a much greater expense on the like occasion, will very readily lead you to this.[3]

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2 Provision for the support of the garrison at Oswego was made by an act, chap. 734, passed October 29th.

3 Provision for the recruits for the expedition to the West Indies was made at the previous session, but at this session, by the act applying revenues, chap. 733, passed October 29th, an additional appropriation of twenty pounds was made to reimburse Captain Cosby for expenditures in connection with the transportation of volunteers.

There are several things that I recommended to you at your last sitting, some of which being but in part and others not at all provided for, I now again recommend them to your consideration, referring you to what I then said.[4]

GEO. CLARKE.

SPECIAL MESSAGES.

October 26. The Speaker announced that on the previous day he had received from Governor Clinton two letters enclosing copies of papers relating to the address sent to him by the Council and Assembly, relative to the erection of a Governor's house, and to military supplies for the colony.

October 29. The Assembly, at the Lieutenant-Governor's suggestion, adjourned to the third Tuesday of April, 1743.

1743. APRIL. TWENTY-SECOND ASSEMBLY, TENTH SESSION.

GEORGE CLARKE, Lieutenant-Governor.

The regular business of the session began April 21, when the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN.— The nigh approach of the winter at your last meeting not giving you time to provide for all those necessary things which I recommended to you, I now again refer to your consideration such of them as remain unprovided for, hoping that now too you will think it high time to give the fort in this town a thorough repair as well as

[4] Several militia laws were continued by an act, chap. 730, passed October 29th. This subject had been included in the Lieutenant-Governor's recommendations at the opening of the previous session.

to lay in a proper and sufficient quantity of powder, ball and other necessary stores for that and all the other forts and batteries in the Province, that we may not be unprovided for our defence in case the enemy should at any time attack us, nor be then to seek for them when it be too late. When these things come under your consideration, you will remember that there is not a flag for any of the forts.

The presents which the French when they come into the Seneca's country feed those people with makes it necessary that those whom we send to reside there should likewise have something to give to the Indians to prevent the influence which otherwise the enemy may gain over them. The Commissioners of Indian Affairs think it absolutely necessary, but at the same time declare that their allowance at this critical juncture is so small that they cannot furnish those presents, wherefore I recommend it to you to make some provision for that service.

GEORGE CLARKE.

SPECIAL MESSAGES.

April 30. On the Lieutenant-Governor's recommendation, the Assembly adjourned to the first Tuesday of August. A quorum of the Assembly did not meet again, and it was dissolved by Governor Clinton on the 27th of September.

1743. NOVEMBER. TWENTY-THIRD ASSEMBLY, FIRST SESSION.

GEORGE CLINTON, Governor.

George Clinton was appointed Governor of New York by a commission bearing date July 3, 1741. He arrived in New York, September 20, 1743, and took the official oath and assumed the duties and functions of his office. His communication to the Speaker of the Assembly, which was

received during the October session, 1742, has already been noted. At the close of the tenth session the Assembly adjourned to the first Tuesday in August, and was in existence, adjourning from time to time, when Governor Clinton arrived.

September 27, at a joint meeting of the two Houses, the Assembly was dissolved, the Governor remarking, in the course of his speech, that he had been informed that it had been the general practice to have a new election of an Assembly upon the publication of new commissions to Governors, and that the continuance of that practice would be agreeable to the people of this Province.

The new Assembly met November 8, and the Governor delivered the following

OPENING SPEECH.

Gentlemen.—It would have been very agreeable to me to have embarked for my government soon after his Majesty was graciously pleased to honor me with his royal commission, but the affairs of this Province as well as my own rendered that impracticable.

I am now come amongst you, Gentlemen, with such favorable impressions of the people you represent that it shall be my chief study by every proper method to deserve your good will and merit your esteem, as it shall be my constant endeavor to discharge the trust reposed in me by a steady adherence to the principles of justice and a due regard to the established rights and privileges of the people, consistent with the known prerogative of the Crown; and I am persuaded from your loyalty to his Majesty, whose natural affection extends to the remotest of his subjects, and his glorious zeal in maintaining the liberties of Europe, have justly rendered him the darling of his own people, and gained him the immortal title of the deliverer of others, and likewise from your wonted regard to the honor and reputation of the Province that you will not fail of answer-

ing his royal expectations and my reasonable hopes in granting a revenue for the support of his government in as ample a manner and for a term as long as has heretofore usually been given under any of my predecessors, Governors-in-Chief of this Province.[1]

The short time I have been with you has not permitted me minutely to examine into the state of your fortifications, the security and well maintaining of which has (since my arrival) been strongly recommended to me by his Majesty; and I cannot doubt but the present critical juncture of the affairs of Europe will induce you to exert your utmost care in points of so great and general importance, and as you are indebted to the bountiful care of his Majesty for a late large supply of warlike stores, it will be incumbent upon you to show your thankfulness by making immediate provision for the purchase of such others as in the judgment of our superiors ought to be had at the proper charge and expense of the Province.

I understand and am thoroughly convinced of the great consequence it is to the British interest on this continent in general, as well as to this Province in particular, to secure the friendship and dependence of the Six Nations of Indians, and to cement if possible into a firm union with each other all those who are in alliance with any other of his Majesty's Provinces. You will therefore find me heartily disposed with your assistance to put my intentions on this head in execution as soon as the season for a general treaty will permit.[2]

The opinion I entertain of his Majesty's subjects in this Province forbids me to think they will suffer the usual place of their Governor's residence to lie longer in the

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1 The Assembly adhered to the policy adopted by its predecessor in relation to annual appropriations, and on the 1st of December, by chap. 741, continued for one year the act of 1740 for the support of government.

2 The general appropriation act, chap. 744, passed December 17th, made provision for eight hundred pounds, to be used in making presents to the Indians.

ruins to which the late unhappy fire has reduced it. I can but sensibly feel the inconveniences that from hence arise to me and my family. If therefore some regard to them, joined to that which the dignity of the government requires at your hands, can prevail on you to take this matter into your immediate consideration, it will redound very much to your honor and my ease.[3]

Having taken notice before my departure from England that this Province, contrary to the custom of most others in America, is entirely unprovided with any agents for negotiating the public affairs of the colony at the Court of Great Britain, I cannot on this occasion omit mentioning to you the necessity there is of an appointment of some proper persons for this end, and of establishing such a reasonable allowance for their service as may induce them to exert themselves with vigilance and care in whatever may contribute to the welfare or affect the public interest of the Province.

I desire you, Gentlemen, to be assured nothing in my power shall be wanting to demonstrate my real regard and attachment to the interest of this colony. I will endeavor to convince you of the sincerity of my intentions by the uprightness of my actions, and shall always be well pleased with my administration when I know it stands approved by the general voice of the people.

GEO. CLINTON.

SPECIAL MESSAGES.

November 10. Thanking the Assembly, and also the Council, for their addresses.

December 17. The Assembly adjourned to the third Tuesday in April, 1744.

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[3] An act, chap. 758, providing for the erection of a house for the Governor was passed May 19, 1744.

1744. APRIL. TWENTY-THIRD ASSEMBLY, SECOND SESSION.

GEORGE CLINTON, Governor.

The Assembly met April 17, and the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—As the season of the year did not permit you to provide for all those things recommended to you in my speech at the opening of the last meeting, particularly as to the supplying the magazines of the respective garrisons with gunpowder,[1] the rebuilding the house in the fort,[2] and the appointing agents for the colony at the court of Great Britain, I therefore recommend them to your consideration, not doubting but they will have their due weight in your deliberations.

I have received two letters from Mr. Stone, secretary to the Lords Justices, with their Excellencies' directions that I should employ the most effectual means for putting this colony into the best posture of defence that shall be possible, and to be constantly upon my guard against any surprise from any quarter whatsoever: and by a ship lately arrived here, advice has been brought that the French had been preparing to make an invasion on his Majesty's kingdoms in favor of a popish pretender, and that there has been an engagement in the Mediterranean between part of his Majesty's fleet under the command of Admiral Matthews, and the combined fleets of Spain and France, which events may probably bring on a French war, and therefore it behoves us to put ourselves in such a

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1 This recommendation was complied with by an act, chap. 758, passed May 19th, to provide for the repair and completion of fortifications.

2 An act, chap. 758, passed May 19th, appropriated three thousand pounds for the erection of a house for the Governor's residence, on or near the site of the house recently destroyed by fire. The new house was to be eighty by forty-five feet, and three stories above ground.

condition that we may be able to repel the attempts which may be made upon any part of this country, and in order to do that it will be proper to consider what may be wanting to complete the fortifications in this city and the county of Albany, that those frontier places may not be exposed to the insults of an enemy.[3]

GENTLEMEN.— You cannot but be sensible of the great importance of Oswego, not only for carrying on an advantageous trade with the remote Indians, but also for preserving the Six Nations in their fidelity and keeping them steady to the British interest; therefore I persuade myself you will do whatever shall be necessary for the additional strength of that place, and make a provision for carrying up the cannon and a supply of gunpowder early this spring to that and the other out garrisons.

The ill consequences I apprehend to the whole Province if that garrison of Oswego should fall into the enemy's hands, induced me for its support to order some persons to be sent thither to reside there this last winter. I expect you will provide for that expense, and for the support of such an additional number of men as may be found needful to send thither.[4]

It has been represented to me that the allowance made to the Commissioners for Indian Affairs is not sufficient to defray the necessary disbursements which that service will require, especially in case of war with the French. I must therefore recommend it to you to make such farther addition as the nature of that service does demand.

By the accounts received from the West Indies the smallpox rages in several of the islands there. I have taken all the precautions in my power to guard against its being brought in hither, and I think it would be expedient

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[3] A fortification act, chap. 758, passed May 19th, made provision for repairing the forts in New York and Albany.

[4] An appropriation to reimburse expenses incurred to aid the Oswego garrison was made by the fortifications act, chap. 758, passed May 19th.

to pass a law as soon as may be to prevent the bringing in that, or any other infectious distemper with such penalties as will render it effectual for that purpose.

GENTLEMEN.— These things which I have recommended to you are such as concern the honor, the interest and safety of this Province, and if there be any other which can contribute to the welfare of the people under my government, I shall cheerfully concur in every measure that can promote an end I have so much at heart.

G. CLINTON.

SPECIAL MESSAGES.

April 20. Assuring the Assembly that he would immediately give directions in compliance with its resolution, requesting the Governor to direct the Commissioners of Indian Affairs at Albany to deliver certain cannon and warlike stores for use in the fortifications at Oswego, Schenectady and at Fort Hunter in the Mohawks country. (See note 1.)

April 26. Thanking the two Houses for their joint address.

May 8. Transmitting accounts for expenses in connection with Indian Affairs.

May 11. Transmitting an extract from the London Gazette of March 24, from which it appeared that war had been declared by France against England.

May 17. Referring again to the impending war between England and France, the Governor urged immediate consideration of measures for strengthening Oswego, and in relation to the Indians said:

"It is obvious to every considering man, who informs himself of the situation of the Five Nations, that a party of men posted in the Seneka's country will be of the greatest importance to this and other his Majesty's dominions on this Continent, as it is the best, if not the only means, to secure the fidelity of those Nations in this critical conjuncture, when you may be sure the French will take every

advantage of our neglects; and if they succeed therein, think seriously of the fatal consequences of it, and how irretrievable they will be; wherefore, I earnestly recommend it to you to make suitable provision for that service."

The Governor also said the war would necessitate expenditures not provided for in existing appropriations and urged the Assembly to "make provision for such services and incidents as may arise and be absolutely necessary." The Governor also recommended measures for strengthening the fortifications in New York. (See note 3.)

May 18. Protesting against the Assembly resolution to postpone until the next session consideration of the incidental matters referred to in the Governor's message of the preceding day.

May 19. The Assembly adjourned to the third Tuesday of July.

1744. JULY. TWENTY-THIRD ASSEMBLY, THIRD SESSION.

GEORGE CLINTON, Governor.

The Assembly met the 17th of July, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN.—At your last meeting, from the authentic intelligence I had concerning the French war, you had my recommendation to make provision for several matters which I then conceived to be of great importance, though hitherto it has not had entire effect.

His most sacred Majesty, in just resentment of the many repeated indignities offered to his Crown and Kingdoms by the French King, by his notorious violation and breach of the most solemn treaties, his open hostilities lately committed against the British fleet in the Mediterranean, and

the daring affront offered by the reception of the son of the Pretender in the French dominions, and the preparations made for an invasion of his Majesty's kingdoms in favor of a popish Pretender, found himself indispensably obliged to take up arms, in concert with his allies, to support the balance and liberties of Europe by putting a check to the ambitious views of that aspiring monarch to reduce all the powers of Europe under his influence and tyranny, not doubting of the blessing of Almighty God on so righteous a cause.

It is therefore incumbent on us to use the greatest diligence and dispatch to put this Province into the best posture of defence, to repel any attempts which may be made against us, and not only so, but to exert ourselves in such a manner as we may be able upon occasion to attack and distress our enemies.[1]

The completing the several fortifications in this city, Albany,[2] Oswego,[3] and the other garrison should now be attended to without the least delay, wherein I cannot but observe there has hitherto been made but too slow a progress. As to what I think farther necessary to be done for the security and defence of this city and other parts of the Province, I shall lay the particulars thereof before you.

According to my former resolution, I have sent up the cannon and ammunition to Oswego and a reinforcement of soldiers, as also a detachment to Saratoga, all which are arrived; and upon the representation of the officer at Oswego whilst I was at Albany, I then ordered such things as were immediately necessary for the security and defence of that place, and likewise directed an interpreter to be sent there, and six Indians to serve as scouts to watch and

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1 An act, chap. 775, for the defence of the colony was passed September 21st.

2 An act, chap. 786, passed September 21st, appropriated three hundred pounds for completing fortifications in Albany.

3 An act, chap. 764, "to support the garrison and trading house at Oswego" was passed September 1st.

give intelligence of the motions of the enemy, and upon information since I arrived here, have further directed two Indians of each of the Six Nations to be retained by us in our pay to reside at Oswego, in order to assist in the defence of it in case it should be attacked. I found it requisite also to advance fifty pounds to the officer here to lay out occasionally for presents to the Indians or other incidental services as shall be judged expedient from time to time, and the same officer has acquainted me that he has already expended several sums on such like occasions, which I have promised him to recommend to you to reimburse; for which and all other moneys advanced upon the credit and for the honor and service of the public upon any emergency, I cannot doubt but you will readily make provision when the accounts are laid before you.[4]

The great importance of that place has been often enlarged upon so as to render a repetition needless. I cannot, however, omit taking notice that upon the preservation of that fortress the fidelity of the Six Nations to the British interest does in a great measure depend.

I have lately had an interview with those Indians at Albany, and have renewed the treaties and strengthened the alliance with them. They expressed their hearty attachment to the British interest in the strongest terms, though I found them rather inclinable not to intermeddle with the war unless provoked thereto by an attempt of the French from Canada upon any of our possessions.

There met me upon this occasion Commissioners from the Province of the Massachusetts Bay and the colony of Connecticut, fully impowered to treat with those nations by my permission to revive the ancient amity and alliance between them and those governments, in which I was glad

[4] The general appropriation act, chap. 783, passed September 21st, provided a sum to be expended in making presents to the Indians, and for other incidental purposes connected with Indian affairs.

of the opportunity of giving them the full liberty, conceiving it must redound to the advantage of the common cause of his Majesty's respective colonies in North America, and of course tend towards an hearty union of the several governments in their respective councils and actions upon the present important occasion.

It highly concerns the interest of this government in particular, as well as the British interest upon the Continent in general, to preserve the Six Nations, and all other Indians in alliance with us and them, steady in their engagements, for if by the artifices and intrigues of a subtle enemy they should at length through any imprudence of ours be seduced from their fidelity to his Majesty, we may easily see how fatal and destructive such an event would prove.

The commissioners from the Massachusetts government had full powers likewise for entering into a strict union and alliance with us and all the colonies on the main to concert and agree with them upon proper measures for their joint conduct in the war, as well offensively as defensively against the common enemies for our mutual advantage. I earnestly recommend it to you to provide supplies the better to enable me to commissionate proper persons with like powers for this laudable end, that thereby such measures may be engaged in touching the conduct of the war in these parts that his Majesty's American subjects may not only be safe in their possessions, but become a terror to his enemies.[5]

GENTLEMEN.— It may be proper for you to consider that while his Majesty's station ship is refitting, our coast and trade is unguarded; in this case the examples of the neigh-

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[5] On the 19th of September, the Assembly adopted a resolution expressing the opinion that it would be "imprudent in them to engage in any scheme before a plan of it was imparted to them, from which they might form a judgment of the thing, and how far the colony might be able to assist in the execution thereof."

boring governments may at this conjuncture well be thought worthy your imitation, the fitting out vessels well manned and armed in order to prevent or defeat any efforts of a rapacious enemy until the man of war can be completed for service and other ships arrive from Great Britain (which I have represented to the Lords of the Admiralty to be requisite) may well compensate any expense the Province can be put to on that account.

Nor is the appointment of an agent at the Court of Great Britain to negotiate the affairs of the Province with a salary adequate to that service of small importance; I have before recommended it, and as a matter I think still of greater consequence at this time I cannot but repeat it.

Gentlemen.— These several services must unavoidably be attended with extraordinary expense, but think seriously how fatal the consequences may be to our civil and religious liberties should we by any backwardness or defect in making suitable provision for defraying the charges necessary to these ends, and to answer all other incidents and contingencies of the government, supinely suffer any part of this Province to fall into the enemy's hands.

If therefore the honor of his most sacred Majesty and the British subjects, the preservation of your liberties and properties and all that is dear and sacred to you may be thought the most prevailing motives for exerting your vigor at this time of common danger, I entreat you calmly and deliberately to think on these things, and I persuade myself I may confidently rely on your raising such supplies as will effectually answer the present exigencies and enable me to support the honor and dignity of this government, and pursue every method for its safety, to which you will always find me attentive with the sincerest regard.

G. CLINTON.

SPECIAL MESSAGES.

July 24. The Governor sent the following message to both Houses:

"In my speech delivered to you on the 18th inst. I spoke in general how much it imported us at this critical conjuncture to use the utmost diligence and dispatch for putting this Province into the best posture of defence, and recommended to you to make a provision suitable to that end; and as to what I had already ordered, or should think further necessary to be done immediately for our security I told you I would lay the particulars before you; and accordingly they are contained in the following articles.

1st. As to my directions already given concerning the fortifications in this City;

I have ordered the Brass cannon in the Flag Mount in Fort George to be repaired and rendered fit for service.

Ninety-five shot boxes, one for each gun, four more sentinel boxes, a new flag staff, and a platform on the south east bastion in Fort George to be forthwith made.

Leaden aprons to be made for the cannon on Copsey Battery, and a fence from the east to the west side thereof.

Eight cannon to be removed to Mr. Rutger's wharf, on the North River, and eight to Burnet's Key on the East River, for land batteries in case of an invasion.

2dly. Concerning what I judge further necessary to be done towards completing the fortifications of this city:

The magazine in Fort George, under the south east bastion, to be sufficiently repaired for the receptior and safe custody of gunpowder.

A greater quantity of gunpowder to be forthwith provided, that all the garrisons may have a sufficiency.

The rest of the barracks in Fort George should be rebuilt for the accommodation of the two independent companies, which cannot be lodged there without them.

A banquette, or foot bank, should be raised along the inside of the parapet on Copsey, and the Flatrock Batteries, to a proper heighth for the musketeers to fire over.

The berne on Copsey Battery to be filled up with sod work to prevent the enemy's landing there.

To take away every other gun on Copsey, and fill up each other embrasure with sod work.

Tompkins and leaden aprons should be made for all the cannon.

Provision should be made for sorting all the cannon shot, and placing them in boxes next to the proper guns.

Matrosses with proper officers should be provided for, to be kept in constant exercise.

3dly, As to what I have directed concerning the fortifications in the county of Albany, and respecting the Indians, in order to secure their dependence on the British interest;

Upon the representation of the officer at Oswego, to the Commissioners of Indian Affairs at Albany, communicated to me there, and upon the report and examination of some traders; I then ordered that the port holes of the new walls should be immediately altered in such manner as that the cannon might be traversed, and likewise that the platform should be repaired.

That the officer should make use of the Timber of the trader's houses, to make ramparts and piles to place against the wall, to strengthen and secure it.

I have ordered the Commissioners of Indian Affairs immediately to send up into the Seneka's country an armourer and smith, with two or three other men with them to reside there, upon the complaint of the Sachems of that Nation that they were in great want of them to assist in removing their castles near to the Cayouges, for their greater strength and security, according to my recommendation to them for that purpose.

4thly, Concerning what is further necessary to be done for the security of the county of Albany:

A strong fort to be built in a proper situation near Crown Point, and a sufficient garrison kept there to maintain it, and as from thence the French can make inroads into this Country, and the Neighboring governments to the eastward, this should be done at our joint expense.

A strong fort should likewise be built at Tierondequat, or some other proper place in the Seneka's country, and a strong garrison kept in it, to maintain it, in order to preserve the Seneka's and other Indians in their fidelity to his Majesty; and as all his Majesty's governments on the Continent are in some degree concerned in this material article, this ought to be done at the joint expense of all interested.

Upon your making proper provision, I will commissionate fit persons to treat with the neighboring governments touching these articles, and such others as shall be judged expedient from time to time for our mutual defence and the annoyance of his Majesty's enemies. (See note 1.)

G. CLINTON."

July 31. The Governor sent to both Houses, the following additional communication relative to military preparations:

" Since my last message to the House on the 24th instant, several other particulars have occurred to me, which in my opinion the public security requires to be provided for at this time.

It is absolutely necessary there should be a battery of six guns at Red Hook, on Nassau Island, which would effectually prevent the enemy's lying there, to bombard this city, or their landing any force or artillery on Nutten Island; in case of any such attack upon us, this battery might be easily supplied and maintained by the force of the country.

It would likewise be proper to raise another battery on the front of the Great Dock of this city, in order to flank the east side of Copsey Battery, as the Flat Rock battery does to the westward.

I omitted to acquaint you in my last, that I had ordered the Commissioners of Indian Affairs at Albany to agree with ten men and an officer, upon the most reasonable terms they could, to serve as outscouts towards Crown Point, to be immediately employed on that occasion, to watch and give intelligence on the motions of the enemy from that quarter, who were agreed with and sent out accordingly, and are since returned; I doubt not but you will provide for this service also, when the accounts are laid before you.[6]

And further, it is necessary that you provide for the support of such a number of men and officers as may be sufficient to be kept constantly in pay in that employ in the county of Albany during the war.

The Commissioners of Indian Affairs have recommended the number to be thirty-nine men and two officers for this purpose, and ten Indians to be retained in aid of them, who will be able to penetrate further into the Enemy's country than the other scouts, with this advantage, that they may not only be secure in their persons but unsuspected.

I have been acquainted that in the former war with France, some companies of the militia detached from other counties, were sent up to Albany to continue there in the pay of the country, to assist in the defence of that county; the Commissioners of Indian Affairs have recommended it to me as a matter requisite to be done at this time.

The Allowance to the Commissioners of Indian Affairs ought now of necessity to be enlarged, as it must be expected, that many incidental services will arise to the public

[6] Payment of these expenses for outscouts was provided for in an act, chap. 775, passed September 21st, for the defence of the colony.

in the time of war, as well from Indians as others, which from the nature of them will demand gratuities, which the present annual provision for negotiating Indian affairs is too scanty to admit of, as I have heretofore intimated to you.

G. CLINTON."

Also transmitting accounts for expenses incurred in military preparations.

August 20. The Governor continued his consideration of the war in the following message:

"From the examination herewith laid before you, it must be inferred that the Province has suffered considerable damage this summer by the precipitate retreat of our Indian traders from Oswego, upon notice of the French War; most of them you will find left the place immediately upon the alarm, sold what they could of their goods to those few of their brethren that had the sense, courage and resolution to stay behind, and brought the remainder back with them. You will judge what a balk and discouragement this instance of pusilanimity has occasioned to those number of Indians of the far Nations who have rarely come to trade with us; but perhaps finding the French had no goods to supply them at Niagara, resolved to proceed to Oswego, where some of them found the place was basely deserted by most of the people, and no goods to exchange for their furs; upon information whereof, many other Indian canoes were turned back before they reached that place.

How mean an opinion must the savages entertain of us, when they find our people so easily frightened, as it were with a shadow, and that the great gains which are constantly reaped by this advantageous traffic are not sufficient to excite a resolution in our traders to stand to the defence of this fortress, the loss of which would determine that trade, and it is to be feared the Indians too, in favor of our

natural enemies the French; how fatal such an event would prove to this colony in particular, and the British interest upon the Continent in general, may be easily foreseen.

The pernicious consequences which must inevitably flow from this sort of demeanor, I persuade myself you will think deserving of your serious attention, and that you will put this most profitable branch of our trade into such a method for the future as may encourage and invite the most distant nations to come yearly to trade at that mart; when by the wisdom and justice of the Legislature, matters are so regulated for the future that the Indians may be assured that not only their occasions will always be plentifully supplied there with goods, the best in their kind, but also at the most reasonable rates; touching which last article the Six Nations have made frequent complaints; by these measures we shall establish such a credit amongst our own and the remotest Indians that it will not be in the power of the French to rival us in that point.

I cannot but with the greatest earnestness recommend it to you, to make provision for the maintenance of such prisoners of War as have already been, or shall hereafter be brought into this port; it is utterly improper they should, contrary to all precedents, be suffered to go about at large, viewing our situation and fortifications, a practice not suffered by any other country in the time of the profoundest peace; and if they are not to be supported by the public, it must be expected that our privateers will, upon any captures for the future, discharge themselves of the incumbrance by putting them on shore in some of their own dominions; which likewise, contrary to all good policy, will be a strengthening of the enemy by setting those hands at liberty to annoy us, which were once in our power effectually to have restrained; and besides, that compassion which is due to our fellow subjects who may have the misfortune to fall into the enemy's hands, should induce us to secure

those enemies who come within our power, in order to exchange for our countrymen, who otherwise must languish in prison in the Enemy's hands; if you provide for their subsistence, I will take care to distribute them in the best manner I can.[7]

By the letter lately received from the Commissioners of Indian Affairs (herewith also laid before you) you will see what further information I have received concerning the French designs against that important place of Oswego.

G. CLINTON."

With the foregoing message the Governor transmitted a communication from the Commissioners of Indian Affairs and an affidavit of George Swan a merchant. These papers are not included in the records.

August 31. The Governor sent the following message to the Assembly:

"In my message to you of the 20th instant, I did, amongst other things, most earnestly recommend to you to make provision for the maintenance of such prisoners of war as had already been or should thereafter be brought into this port; and laid before you some arguments which I thought would induce you thereto; and as you have not thought fit to return me any answer to that message, nor it any ways appearing that you have so much as had it under your consideration, I thought it necessary to advise with his Majesty's Council thereon; who, on weighing the reasons offered in that part of the said message, and further considering that it is the constant practice of all civilized nations to provide for the subsistence of their Prisoners of war, and particularly that the Spaniards do allow theirs a royal a day, besides what they can earn by their labor; and as on the one hand it is very unsafe to

[7] An act for the defence of the colony, chap. 775, passed September 21st, made provision for the maintenance of prisoners of war.

permit our prisoners to continue at large, and on the other it may be thought cruel to commit them to jail without a certain subsistence provided for them, and that any ill treatment of our prisoners may occasion a retaliation on our fellow subjects who may have the misfortune to fall into the Enemy's hands; have advised me to send you a second message on this subject, to demand a speedy answer thereto, that I may take such measures as shall be found necessary; and I expect your answer accordingly. (See note 7.)

G. CLINTON."

September 4. Transmitting a letter from the Commissioners of Indian Affairs at Albany relative to the defence of Oswego. (See note 3.)

September 6. The two Houses, joining in an address to the Governor in response to the communication from the Commissioners of Indian Affairs relative to Oswego, advised him that for

"the further security of that place against any attempts of the French, to order thither a detachment of fifty men, of the militia of the county of Albany, with a sufficient supply of ammunition and provisions; and if the enemy should attack that place, to order such a force as your Excellency shall think sufficient to relieve it, and the General Assembly assures your Excellency that they will make good all such expenses as may arise for the defence and security of that important place.

And we further beg leave to assure your Excellency, that we will cheerfully contribute everything in our power for the defence and safety of this colony, and the repelling any attempts of the enemy."

The Governor thanked the Legislature for this address, and said he would comply with its recommendations immediately.

September 13. Replying to an address from the Assembly requesting that French prisoners be sent out of the

colony at such a time and in such a manner as the Governor might think proper, he said he would consult the Council about sending away the prisoners as soon as convenient.

September 13. Transmitting accounts for expenses incurred in connection with the defence and fortification at Oswego. The Assembly adopted a resolution postponing consideration of these accounts until the next session.

September 14. The Assembly was informed that its address relative to the French prisoners had been laid before the Council, and that the prisoners would be sent away with all convenient speed.

September 18. The Governor sent the following communication to the Assembly:

"By the last post I received a letter from Governor Shirley, wherein he expresses himself that he is sorry to find the Assembly's want of attention to the mutual interest of our own and the neighboring colonies, in so essential a point as the settlement of a treaty with them for the conduct of the war.

You may remember I recommended this affair earnestly to you at the opening of this session; and as it is a matter which must redound much to the benefit of this Province, I am surprised that you have done nothing hitherto the better to enable me to appoint commissioners to treat with those of the neighboring colonies, touching the conduct of the war, against the subjects of the French King, as well offensively as defensively.

I expect you will take this matter into your immediate consideration, it tending manifestly to the common benefit of the British interest upon this Continent.

G. CLINTON."

September 21. The Assembly adjourned to the first Tuesday in November.

GEORGE CLINTON, Governor.

The Assembly had been adjourned to the first Tuesday of November, 1744, but it did not meet for the transaction of business until the 12th of March, 1745, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND THE GENERAL ASSEMBLY. —At this critical conjuncture I flatter myself you are met with warm dispositions to exert your most vigorous endeavors in promoting his Majesty's service and the true interest of your country.

From the attempts made by the French last summer upon Annapolis Royal, the Province of the Massachusetts Bay, animated with a becoming resentment of the indignity, have been meditating a design against the French settlements to prevent the like invasions for the future upon that or any other of his Majesty's colonies in those parts, and after a minute examination and inquiry into the strength of their forces and fortifications by persons well acquainted with them both in peace and war, the Legislature of that Province came to a resolution to make an attack upon them with such land and naval force as they can raise amongst themselves, such of his Majesty's ships of war as may be had, and such ships and land forces as they depend upon having added to their strength by assistance from the neighboring governments to act in concert with them.

Upon this head Governor Shirley sent two of the commissioners for that Province hither, and wrote to me in the most pressing terms to recommend it to you in the strongest manner, to contribute a proportional strength of land

and naval force to join them upon this important enterprise, not doubting but we should be sensible how much the success of it would redound to his Majesty's service, the interest of the British dominions in general, as well as the northern colonies in particular.

For my part, being convinced how manifestly this expedition is calculated for the honor of his Majesty and the interest of his subjects, I did upon the occasion what has been requested, and could be expected from me immediately, and what I thought behoved me to do, with the utmost dispatch upon the public faith; I have sent away ten pieces of field ordnance to Boston with their implements, without which all other preparations must have been frustrated; and I do most earnestly recommend it to you to use all diligence in taking proper measures that this Province may bear its full proportion in concert with their neighbors in carrying on this important enterprise, as the consequence of our success in it would in all human probability be of infinite advantage to this Province.[1]

GENTLEMEN OF THE GENERAL ASSEMBLY.— There were some particulars I recommended to you at your last meeting which had not so much of your attention as the importance of them should have seemed to require.

It may be very uncertain what time our station ship will be returned hither from the West Indies, or what condition it may be in for service when it is; and till it is arrived and refitted, our coast and trade must be without the necessary protection. It would therefore surely much become us to have a Province vessel of sufficient force at all times during the war, not only to guard ourselves, but upon occasion to send to the assistance of our neighbors, from whom

[1] April 9th, the Assembly adopted a resolution to appropriate three thousand pounds for the assistance of Massachusetts in the expedition against Cape Breton. An act, chap. 792, was passed at the next session, July 6, 1745, which appropriated five thousand pounds to aid Massachusetts in the Cape Breton expedition.

we might with reason expect the like good office. To our discredit, other colonies which are none of them better able to support that expense and perhaps have less at risk, have not grudged the cost of taking that prudent measure in providing for their own security; I cannot but think it an article worthy of your immediate care.[2]

The necessity of an agent at the court of Great Britain may now be more apparent to you from a late instance in a clause in a bill said to have been brought into Parliament concerning the paper currency in these colonies, of which, however, you had not, nor indeed could you expect any direct notice or information. For want of such an officer, how can the affairs of this government be properly negotiated? This I have several times recommended to you, but hitherto without effect.

The frequent representations made to me by the Commissioners of Indian Affairs of the absolute necessity there is for building two more forts upon our frontiers in proper and convenient places to be assigned, prevail with me to renew my instances with you to come to speedy resolutions to make effectual provision for that service, that they may be erected with the utmost dispatch.

The advantages, of course, arising from the building of such fortresses are the great protection they must afford to our out settlements, would in great measure pacify and quiet those people in their possessions; it would draw more Christians to reside in greater bodies amongst the Indians upon our frontiers, and thereby add strength to them and ourselves; and it would be the most likely means that can be thought on effectually to retain the Six Nations in their

[2] Following the resolution of the Assembly that it would not be practicable to build at once the vessel proposed by the Governor, an act, chap. 789, was passed May 14th, to "allow a premium to such privateers as shall during the present war take or destroy any enemy's privateer between "Cape Henlopen and the east end of Nassau (Long) Island and north of the thirty-eighth degree of latitude.

fidelity to the British interest; on the contrary, for want of such a countenance, the Indians grow cool and indifferent towards us, as we seem remiss and careless of their security; and if we are longer without such places of refuge for a retreat in case of any incursions into the country by the French or their Indians, many Christian families will be obliged to desert their possessions, abandon the profits of many years hard labor, and be forced to beggary and want, a more deplorable case, and must draw after it a train of evils which may be almost as easily prevented as foreseen. How expedient it is to have such fortifications may more evidently appear by the commissioners' letters which I shall lay before you.

During the war with the French, it will be proper to have more frequent interviews with the Indians, and that you make provision for that purpose.

Provision should likewise be made for the charges of sending up the fifty men of the militia to Oswego, their victualling and subsistence, for the time past and to come, for it is necessary they should be continued or relieved by a like or perhaps a greater number. Also, care should be taken to defray the expense of sending thither a reinforcement of the King's troops last fall, and their victualling, and for the reparations and improvements made at that fortress according to my directions last summer, concerning all which particular accounts shall be laid before you.[3]

It is of very great concernment to the public affairs of this Province that a liberal sum should be set apart to answer all contingencies and extraordinary services of the government at all times, but it is most essentially necessary during the war, and therefore, I cannot but repeat my former recommendations of this particular with still greater earnestness.

I sent away the French prisoners to St. Domingo with flags of truce as soon as I could get vessels to take them

[3] The Assembly, April 9th, adopted resolutions providing for the defence of Oswego.

off. The accounts of the money expended on that occasion and for their maintainance whilst here shall be laid before you, by which you will find that what was provided at the last meeting for the support of the prisoners is near exhausted. It is necessary a further supply should now be raised to answer the like occasions as it may be expected that more will daily be brought into this port upon future captures to be condemned here.

I must renew my recommendation also for your raising supplies effectually to enable me to appoint commissioners for this Province to treat with those of the Massachusetts and other neighboring governments (who have or shall appoint such) touching our joint conduct in the prosecution of the War against the French in these parts, as well offensively as defensively. The advantages that must most probably arise from a good understanding, harmony and union of councils between his Majesty's respective colonies on this continent in maintainance of the common cause are too obvious to need a particular enumeration, were it prudent upon the present occasion to point them out. Could the House have been convinced of the expediency of such a measure and made suitable provision to that end at their last meeting, 'tis scarce to be doubted but other colonies would have followed the example and been sensible how just and equitable it is for them to bear a proportional share of that burthen which this Province does alone sustain by renewing of treaties with the Six Nations, and maintaining and erecting forts upon our frontiers (which at the same time should be considered as a barrier to their own countries) and of such others as are at this time thought proper and necessary to be erected, although we may be said to be more immediately concerned in such a defence and security in order to prevent the enemy from having that intercourse with those Indians, in their own countries which we find by experience they too frequently have as well in peace as war, and as a means to deter them

from making any attacks upon our out-settlements; but as the case is at present, it most highly behoves us at all adventures to provide immediately for our own security before it is too late.

However, I cannot but observe to you how agreeable it seems to be to the intentions of his Majesty, as well as his royal predecessors, that the several colonies upon this continent should upon all occasions unite their force and councils in the common cause, which I collect from several royal instructions to me directing the quota or proportion of the respective governments, as well of money as men to be provided upon emergencies at all times, and to be employed conjunctly in the maintenance and defence of each other as occasion may require; which instructions have been given and continued down as standing rules to the Governors for the time being, of this, and no doubt of all the other colonies from the late glorious revolution; and not only so, but consonant to these established directions, his Majesty's pleasure was signified to me upon the commencement of the war with France (as I have before in part intimated to you) that I should immediately put the Province into a posture of defence, and have the forces here in such a condition as to be able not only to repel the French forces if they should attack us, but likewise if it should become necessary to attack them.

Attempts, as I observed before, have already been made by the French upon Annapolis, which probably would have fatally succeeded had not succours been seasonably sent to their assistance from time to time by the government of the Massachusetts Bay as they could raise them; and it might be expected the efforts of the enemy would be renewed the ensuing summer, were not the present armament set on foot; and though Nova Scotia, New Hampshire and the Massachusetts colonies are the nearest neighbors to the French settlements, yet what fatal consequences must ensue to this Province in particular, should those colonies be

reduced to the obedience of the French! Must not we of course expect to become a prey likewise?

GENTLEMEN.— The many weighty affairs now laid before you which require immediate supplies have obliged me to have this session thus early; I have done my duty in pointing them out to you, and recommending them to your serious consideration; do you your's by making such ample provision for them, and with such cheerfulness and dispatch as may effectually recommend you to his Majesty's grace and favor and secure to you the good opinion and esteem of the people you represent.

GENTLEMEN OF THE COUNCIL AND THE GENERAL ASSEMBLY. — What further I have to recommend to you at this time is unanimity and dispatch; let your duty to his Majesty and zeal for his service and the interest and security of your country become eminently conspicuous by your actions in the conduct of the important business before you.

G. CLINTON.

SPECIAL MESSAGES.

March 13. Thanking the Council for its address.

March 14. Replying to the Assembly's request for information concerning an undertaking intended to be made by the Province of Massachusetts, and for a copy of the instructions referred to in the opening speech, the Governor transmitted papers relating to the proposed expedition, and also a copy of the royal instructions concerning a proportion of men or money to be provided by this government, to be applied in aid of any neighboring plantations, in case of an invasion. The Governor further said: "It will be proper to consider that this instruction was first given by his late Majesty King William III, and has continued down to this time; and that the circumstances of this colony being greatly improved since that time, both with respect to number of inhabitants, and their abilities, a pro-

portion therefore, either of men or money, upon the present occasion should be calculated accordingly." (See note 1.)

March 18. Transmitting several papers relating to Oswego and Indian affairs.

March 20. Transmitting a letter from the Commissioners of Indian Affairs at Albany.

March 21. Transmitting estimates relating to certain fortifications.

March 21. The Assembly proposed an adjournment until the 25th, because of an election to be held in New York the next day, and also because of a desire to join the Governor in taking a view of Whitehall Battery. The Governor consented to the adjournment, and said he would inform the Assembly of the time he intended to be at the battery.

March 28. Transmitting an extract of a letter received from Lieutenant Walter Butler at Oswego, and also a copy of a letter dated at Frederica received by the Governor from Captain William Horton, commanding officer of General Oglethorph's regiment.

March 29. Transmitting estimates of amounts needed for repairs to the forts at Albany and Schenectady and at Fort William.

March 29. The Governor sent the following message to the Assembly:

"Upon observing in the minutes of your House, of the 17th instant, an opinion that half the number of the militia now in garrison at Oswego in aid of the King's troops would be sufficient for the maintenance of that important fortress during the ensuing summer, and that opinion, seemingly founded on an expectation of the additional strength and assistance the traders would be of, in case the enemy should make an attack there; hereupon I laid before you, by my secretary, such intelligence, as I had just received of the designs of the enemy concerning it, by Letters

from the commanding officer there, and from Frederica; from which I imagined the House would have been convinced, rather of the necessity of sending thither a reinforcement, than of diminishing that garrison; however, I soon after received your message to the purpose above.

I have therefore advised with his Majesty's Council upon this particular, who agree in sentiments, that that fortress ought to be preserved at all adventures; and that no part of that garrison ought to be diminished; that no dependence is in reason to be had upon any assistance which the traders ought to contribute towards the preservation of that place, may be collected from their precipitate retreat thence upon the rumor of the French War.

I have already ordered provisions to be sent up for the fifty militia now there for the summer season, with intent that they should be relieved in August or September, by a like or lesser number, according as the circumstances of affairs may require.

My duty to his Majesty and concern for the interest and security of the Province, will not suffer me to consent to any thing which can hazard the loss of that place. And I must earnestly press it upon you seriously to consider, whether it is not incumbent on you at this critical conjuncture, to make suitable provision for its security; and that you calmly deliberate upon the importance of that House and the fatal consequences which may ensue to the Province from the least neglect of it at this time of eminent danger.

G. CLINTON."

March 29. Informing the Assembly that he would be at Whitehall battery the next morning at nine o'clock.

April 4. Recommending an additional appropriation for the erection of the Governor's house, "and likewise for building the stables and making new fences round the garden, and other parts of the Fort."

April 17. The Governor sent the following message to both Houses:

"Since the adjournment of your House I have received authentic advice of the arrival of a considerable French armament at Martinique, viz. seven sail of ships of war; two of 74 guns; two of 64; two of 56, and a frigate of 36 guns, with upwards of twenty sail of transports, and three thousand six hundred troops, with intent to make attempts upon some of the British dominions in South America; but as a report of the present expedition against Cape Breton is generally spread in the West Indies, it is very probable the Commander in Chief of those forces has, ere now, got intelligence of that design; and it may be reasonably apprehended, he will thereby be diverted from his original intention into these parts.

When you have duly considered what are most likely to be the consequences of such an event, I hope you will be animated to a conduct suitable to the importance of such an expedition; not only by making sufficient provision for uniting with your neighbors in the common cause in general, (that we may with the better grace call in their aid should there be occasion) but also, particularly for putting this Province into the best posture of defence; and that this city may, with all possible dispatch, be at least as well fortified as at any time heretofore, by setting stockadoes round it, and erecting block houses and batteries, at proper and convenient distances, along the wharfs on each river, that we may thereby be enabled to give the enemy so warm a reception, in case they should attack us, as may render their efforts vain and ineffectual.

G. CLINTON."

April 20. Transmitting papers the contents of which are not disclosed by the records.

April 22. Transmitting a copy of a letter from the Duke of Newcastle to the Governor, containing "directions that are given to Commodore Warren for the protection and service of his Majesty's colonies in North America."

April 30. Transmitting communications from the Commissioners of Indian Affairs at Albany.

May 7. Transmitting information received from Governor Shirley of Massachusetts, showing jealousies concerning the Six Nations of Indians, "as it is said they have not hunted or planted, and that the Chiefs of them are going to wait on the Governor of Canada," and also showing what Governor Shirley had done and proposed on that subject.

May 9. Transmitting an account of expenditures for presents made by the Governor to the Wapingo and Highland Indians at an interview held with them at New York, May, 1745.

May 14. After the publication of certain laws the Governor addressed the Assembly as follows:

"In my speech at the opening of this session, I recommended to you many particulars which I thought of absolute necessity to be immediately provided for; and have since, by several messages and papers sent you from time to time as occasion offered, renewed my instances as to several of them, in order to excite you to a conduct worthy of their importance; and since it seems by the minutes of your proceedings as if you were coming to a conclusion, and that you have done the utmost that there is any probability you will do, I can no longer forbear expressing my sentiments of your conduct.

After the disrepect shown by omitting to give an answer to my speech, I was apprehensive I could expect but little regard to be paid to what I had said; though I proposed nothing but what immediately related to his Majesty's service and the interest and security of the Province.

The protection of our frontiers in the county of Albany was what I could not doubt every one had much at heart that had considered the consequence of them, and would be

of opinion that suitable provision ought of necessity to be made to that end with the utmost dispatch; therefore, not so much regarding ceremony (however requisite and decent) as matters more substantial, I have withheld from you nothing which might enlighten you in that respect, especially touching the late commotions amongst our Indians and the intrigues of the enemy carrying on amongst them.

I have signified to you, over and over again, that it is proper in time of war that I should have more frequent interviews with the Six Nations (which even in time of Peace have been usual every other year) in order to renew the treaties with them; and there is no other way of doing it to purpose (as I conceive) than by making them presents, and such at this time as may be sufficient to allay their present disquietudes, and preserve them in good temper, firm and steady to the British interest; what regard has been paid to my importunities on this head may be collected from not making provision for it, nor are (it seems) the erecting forts or blockhouses, or the maintenance of scouts to watch the motions of the enemy in those parts, matters of weight in your estimation; and therefore, through your carelessness and improvidence, we must hazard the seduction of the Six Nations, and our northern frontiers for the present remain naked and open to the incursions and insults of our declared enemies, and their Indians; our Christian outsettlers must either desert their plantations and retire to beggary and want, or continue daily exposed to their merciless barbarity; a most cruel necessity; this I have intimated to you was most likely to be the consequence if proper and seasonable care were not taken to prevent it.

That many of the Christians settled towards our frontiers northward from Albany have been much alarmed at the late suspicious behavior of our Indians, and are very ap-

prehensive of great danger in their present situation, appears by a petition to me signed by great numbers of them; which (by advice of his Majesty's Council) I laid before you the 10th instant; and with what contempt you treated the earnest entreaties of the petitioners, and how indecent your conduct was towards me upon that occasion, every one may judge from your returning it by your clerk to my secretary without further ceremony, and your resolving to take no notice of it in the minutes of that day.

For my part, I could almost at this critical conjuncture have forborne (as I have on other occasions) showing my resentment of the personal incivilities you have offered me (if they rested there) could I from your general behavior have entertained the least hopes of awakening you to a due sense of duty to his Majesty, or the people you represent; but upon looking back into your proceedings, I find you have treated his Majesty's orders to me, signified by letters from his Grace the Duke of Newcastle, not only with as much indifference (for they produced no proper effect from you) but have misrepresented the contents of them; for so far is that letter from containing orders to Commodore Warren, that after taking notice in general of the nature of the service that gentleman is upon, his Majesty's pleasure is thereby signified to me that if Mr. Warren shall apply to me for assistance, either of men, provisions or shipping, I should be aiding and assisting to him in the most effectual manner, and that you might enable me at all events to answer his Majesty's commands in such case was the very reason (as any one might conclude) that induced me to lay that letter before you; but, as if you was conscious your conduct is deserving of reproach, you either wholly suppress, or misrepresent, what are ingredients in your proceedings, which your constituents have a right not only to be informed of, but to remark upon.

And (declining to be more explicit upon matters of greater concernment) you have neglected to make pro-

vision for the maintenance of such prisoners of war as may from time to time be brought into this port, or for the transporting them hence; when at this very time there is a number of them in the harbor, which will fall upon our hands, should the vessel lately brought in be condemned as prize.

Nor have you provided for the reimbursing money, advanced upon the faith and credit of the government, for repairs done at the garrison of Oswego, upon the breaking out of the French war, pursuant to my directions given last summer by advice of his Majesty's Council; which I recommended to you to be provided for last fall; nor for the paying what is due for furnishing Lieut. Butler with necessaries for his passage to Oswego last fall by direction of the Commissioners for Indian Affairs, pursuant to my orders given likewise by the advice of the Council; concerning both which articles, accounts have long since been laid before you; but you have adventured to take upon you the assignment of the places for erecting batteries within this City, to direct the number of guns to be placed upon them, and to order the issuing out the gun powder provided for the use of the public without consulting me in either respect; which in effect is assuming the administration of the government, and wresting his Majesty's authority out of the hands of his Governor. Thus from an invincible untowardness on the one hand, and an inordinate thirst of power on the other, you are become, as it were, a dead weight against the other branches of the Legislature.

You have protracted this session to a most unreasonable length, for anything that is done for the advancement of his Majesty's honor and service, or the credit, interest or security of the Province or People you represent.

I am therefore constrained to put an end to this session by your dissolution; and you are accordingly dissolved.

G. CLINTON."

May 14. The Assembly was dissolved.

GEORGE CLINTON, Governor.

The Assembly met June 25, pursuant to the writs of election, and on the same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND THE GENERAL ASSEMBLY. —Soon after my arrival here his Majesty's pleasure was signified to me that I should employ the most effectual means for putting this Province into the best posture of defence that should be possible, and be constantly upon my guard against any surprise from any quarter whatever; and upon the commencement of the French war I received his Majesty's commands that I should immediately put the Province into a posture of defence, and have the forces here in such a condition as to be able not only to repel the French forces if they should attack us, but likewise if it should become necessary to attack them.

In order to put the Province into a proper posture of defence, it is necessary that such other fortifications be erected about this city with all possible dispatch as may be sufficient to enable us to repel any force that may attack us on this quarter. For this purpose, a strong battery of twenty guns at the East end of the town, in the harbor, and some other batteries in other parts of the city, should be forthwith erected; of which I will direct plans to be laid before you. 'Tis worth considering whether as matters are now circumstanced, this city may not probably share a considerable part of the war.[1]

[1] An act, chap. 793, for the defence of the colony was passed July 6, 1745. An act, chap. 817, was also passed, February 27, 1746, authorizing a public lottery to raise three thousand three hundred seventy-five pounds to be used in fortifying the city of New York.

All due attention should be given with regard to the effectual security of our northern frontiers.[2] To answer this end, two strong forts should be built in our Indian countries in convenient places to be assigned; a sufficient number of out-scouts should be constantly kept on foot to watch and give intelligence of the motions of the enemy;[3] and above all, there should be the utmost care and the most prudent steps taken to put our Indians into perfect good temper, that they may preserve their dependence on the British interest and confirm them in their fidelity to his Majesty, which through the artifices and intrigues of a subtle enemy, 'tis to be suspected, is at this time somewhat shaken.[4] My duty to his Majesty and regard for the people under my government oblige me to press these things most earnestly upon you.

As an expedition has been set on foot by the government of the Massachusetts Bay against Cape Breton, and is now carrying on in conjunction with a proportion of men and shipping from the neighboring colonies, with the entire approbation of his Majesty, and under the countenance and protection of his royal fleet, I have received a letter from his Grace the Duke of Newcastle, dated in January last, wherein it is intimated that his Majesty having thought it necessary for the security of the colonies in North America, and particularly of the Province of Nova Scotia (which had been [then] already invaded by the French, and upon which there was reason to apprehend that they would early in the spring renew their attempts by the attack of An-

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2 The subject of the defence of the northern frontiers was considered at the next session. See chap. 825, May 3, 1746, *post*, p. 368, note 1.

3 An act, chap. 813, passed November 29, 1745, making an appropriation for the service of the colony, authorized the expenditure of four hundred pounds for outscouts.

4 An act, chap. 806, passed November 29, 1745, for the payment of "salaries, services and contingencies," placed two hundred fifty pounds at the disposal of the Commissioners of Indian Affairs, to be used for the purpose of preserving the friendship of the Indians. Several statutes contained small appropriations intended to be used in conciliating the Indians.

napolis-Royal) to employ such a strength of ships of war in those seas under the command of Commodore Warren as might be sufficient to protect the said Province and the other neighboring colonies in North America, and the trade and fishery of his Majesty's subjects in those parts; and might also, as occasion should offer, attack and distress the enemy in their settlements, and annoy their fishery and commerce. His Grace had his Majesty's commands to signify to me his pleasure that if Mr. Warren should apply to me for assistance, either of men, provisions or shipping, to enable him to proceed either to the relief or succor of Annapolis Royal, or of any other of his Majesty's forts or settlements, or for making any attempts upon the enemy, I should in all such cases be aiding and assisting him in the most effectual manner.

Governor Shirley, upon communicating to me in January last a scheme for the attack of the town and fortress of Louisburgh, wrote to me in the most pressing terms to use my best endeavors that this Province should furnish their full quota or proportion of men and shipping to join them in this important enterprise, not doubting but we should be sensible how agreeable such a conduct would be to the intention of the royal instructions concerning such like cases, and how much the success of this expedition would advance his Majesty's service, the interest of the British dominions in general, and of all the northern colonies in particular.

How far divine Providence has already favored this undertaking we may judge from the success of it hitherto; the New England forces immediately after landing upon the island, having taken possession of the most considerable battery, which at their approach was deserted by the enemy with precipitation, and one of their sixty-four gun ships with succour bound for the port of Louisbourgh having been taken by some of his Majesty's fleet, and all communication with the town cut off both by sea and land. These are such earnests as give us encouragement to hope for a speedy reduction of that place, but more especially if

we should afford them that aid and assistance which may most reasonably be expected from us, and since matters are brought to this crisis, I now persuade myself we shall not longer sit still as unconcerned spectators, nor be content that the neighboring colonies alone recommend themselves to the favor of their royal master by a vigorous prosecution of a matter of so great consequence to us, and which his Majesty has thought fit to espouse, nor let them, unassisted by us, reap the glory of a conquest so considerable, and it be said they have in vain solicited us to become partakers with them.

I have very lately received letters from Mr. Shirley and Mr. Warren on this head, in pursuance of that from his Grace the Duke of Newcastle last mentioned, wherein they are very importunate with me in their application for the assistance of this government in the immediate raising some troops for supporting this expedition, and such a number of seamen in order to man the French ship (intended also to be employed in this service) and such quantity of provisions as we can procure, to be sent them to Cape Breton, with the greatest dispatch, that they may be enabled to withstand any force the enemy may send to the relief of that garrison.

These are matters of such high concernment to us, that I cannot but recommend them with the utmost earnestness, and I rely upon your immediate concurrence in such measures as may answer his Majesty's just expectations, signified by the royal orders now laid before you. I am determined nothing shall be wanting in either respect, on my part, for advancing his Majesty's service and the credit and interest of the Province.

But, Gentlemen of the General Assembly, without your effectual aid all my purposes can avail but little, and therefore I doubt not but the same dutiful dispositions which have at all times distinguished the people of this Province for their loyalty to the Crown will prompt you to use all

proper and necessary means to raise such supplies as may be amply sufficient to answer the present exigencies.[5]

I have some accounts and particulars of disbursements for the public service to lay before you, for the discharge whereof 'tis proper and just provision should be made.

GENTLEMEN.—I am sensible the season of the year requires your attendance upon your private affairs; dispatch therefore in the weighty business before you becomes still the more necessary that you may soon have a recess, and not be long detained here to your greater inconvenience.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—What I have now recommended requires a more than ordinary attention, and considering the great importance of it, it is incumbent on every one who has the public weal sincerely at heart, the more earnestly to endeavor to cultivate that harmony and good understanding which ought to subsist between the several branches of the legislature; and as the eyes of our neighbors are intent upon us impatiently awaiting the result of your deliberations, I flatter myself the issue of this session will redound to the advantage of the common cause, his Majesty's service in general, and the honor, credit and lasting interest of the Province in particular.

G. CLINTON.

SPECIAL MESSAGES.

June 26. Thanking the Council for its address.

June 27. Renewing the recommendation made at the previous session for an additional appropriation to complete the Governor's house.[6] Transmitting a copy of a letter from the Duke of Newcastle urging that the colony

[5] An act, chap. 792, passed July 6, 1745, appropriated five thousand pounds to aid in the Cape Breton expedition undertaken by Massachusetts. The act did not provide for furnishing any troops, but only made a contribution to the expenses of the expedition.

[6] An act, chap. 793, for the defence of the colony passed July 6, 1745, made an additional appropriation of twelve hundred pounds for the completion of the Governor's house.

adopt effectual measures for assisting Commodore Warren in his plans for the defence of the coast; also transmitting the following letter from Governor Shirley of Massachusetts, dated May 18, 1745:

"Sir: I am obliged once more to make application to your Excellency for the assistance of your government the immediate raising of some troops for supporting the expedition against Cape Breton; which the General of our land forces and the Commodore of the fleet have represented to me very necessary for the reduction of that place; how far Providence has hitherto favored us in this attempt, and what encouragement we have to proceed in it, you will find by the enclosed copy of a letter I have just now received from the General of our forces; and as I am informed it is pretended to color the backwardness in some of the colonies and Provinces to join with us in this enterprise; that the undertaking of it without his Majesty's express order would be so far from recommending us to his favor that it would rather incur his displeasure; I am now able to remove that objection, and to acquaint your Excellency that upon my letter to his Grace the Duke of Newcastle, informing him of our resolution to undertake this affair, and how far we have proceeded therein (which letters were laid before his Majesty) his Majesty and his Ministers, were pleased so far to manifest their approbation of our undertaking, that without the least loss of time two ships of war were ordered to proceed directly to Louisbourg, to support us herein, as they had before, upon my more general intimation of a design of this nature ordered Commodore Warren to come from the West Indies and attend this service; who is now before Louisbourg, with five of his Majesty's ships of war, and will in a few days be joined with two other of his Majesty's ships, one of sixty and the other of forty guns, which are already sailed from hence upon that service; and I am fully assured that his Majesty has the success of this expedition much at heart. And now Sir, as this Province has (in conjunction with the Province of New Hampshire, and the colony of Connecticut) at an immense charge undertaken this important expedition, and so far proceeded therein under the favorable aspects of Divine Providence and the gracious approbation and assistance of his Majesty, I must desire that your Gov-

ernment would maturely consider how great a benefit the acquisition of this place will be to the future safety and tranquility of all these northern colonies; and how justly his Majesty may resent a refusal of any of them to join in the common cause, and how much such government may hereafter regret their unreasonable frugality, if by denying at this crisis to contribute their just quota, for the carrying on and support of this expedition, which is now brought so near to an happy event, they should prove the means of its fatal miscarriage; this representation of the State of our case, my duty to his Majesty obliges me to make, and I must earnestly press your government to give it a full consideration, and send me a speedy answer as to their resolution thereupon.

W. SHIRLEY."

Also transmitting the following letter from Commodore Warren dated May 12:

"Sir, I take the liberty to acquaint you that the New England troops have taken possession of one of the enemy's most considerable batteries at Louisbourg, which gives them the command of the harbor; and they have now carried their approaches so near by land, that the city is blockaded, and its communication by land and sea entirely cut off, and that before the arrival of any ship to their relief from any part of the world except one small one, laden with wine and brandy.

I persuade myself (as the reduction of so valuable a garrison and territory to his Majesty's obedience would give him and all his subjects the highest pleasure, as well as the greatest advantage) you will use your good offices with the other two branches of your Legislature to send such a number of men and provisions as you can procure to our assistance, with the greatest dispatch, that we may be enabled to withstand any force, the enemy may send to the relief of this garrison.

I have wrote circular letters to this purpose to all the American Governors, which I am impowered to do by virtue of my instructions from the Lords Commissioners of the Admiralty, directing me upon such an occasion, to apply to the neighboring governments for the above mentioned succours, and acquainted me that the Duke of Newcastle

had sent proper instructions for this purpose to the respective governors on the Continent.

If there be any ships of war with you that can possibly be dispensed with from the service they may be employed on, they should join me.

P. WARREN."

Also transmitting accounts for military expenses. (See note 5.)

June 27. Thanking the Assembly for its address.

June 29. Transmitting a copy of a letter from the Commissioners of Indian Affairs at Albany.

July 3. Recommending that the Province powder be stored in the magazine in the fort in the city of New York.[7]

July 6. The Assembly adjourned to the first Tuesday in August, but a quorum did not appear until the 20th.

August 20. The Governor sent the following message to the Assembly:

" 'Tis a great pleasure to me that I can now congratulate you upon the reduction of the Fortress of Louisbourg with its dependences to the obedience of his Majesty; it much behoves the several British colonies on this Continent to unite their utmost force in the maintenance and preservation of that important acquisition, as well as in the prosecution of such other measures as may now be thought proper and expedient to be taken for the advancement of his Majesty's service, the interest of the common cause, and further annoyance of the enemy in those parts; to which ends, I have lately had applications from Governor Shirley and Commodore Warren which I shall lay before you.

You will find by the papers I herewith send you that some of the Canada Indians have broken the treaty of neutrality concluded between them and the Six Nations,

[7] A provision contained in the act, chap. 793, for the defence of the colony, passed July 6, 1745, required a quantity of powder to be deposited in Fort George.

by committing hostilities against the English settlements upon the frontiers of New England, and committing several barbarous murders upon his Majesty's subjects, and it is probable they have designs of practising the like cruelties upon us; to prevent which, I have ordered Col. Philip Schuyler to detach a proper number of the militia regiment under his command upon the first intimation of their approaches towards our frontiers.

You will find by the letters from the Commissioners of Indian Affairs that not only the sum allotted for outscouts last fall is exhausted, but more money already advanced upon that service; and the annual allowance to the Commissioners for common occurrences is far from being sufficient to answer their present exigences; it is absolutely necessary to keep out-scouts constantly on foot in order to gain early intelligence, and I doubt not but you think it reasonable to make ample provision for those ends.[a]

From the intelligence, I herewith also lay before you concerning the uneasiness and disturbance amongst the Six Nations (which has of late no doubt been industriously improved and fomented by the artifices of the enemy) you will see how necessary it is for me to have an interview with those Indians this fall that I may sift out the true grounds and motives of their dissatisfaction, and be the better enabled to compose their present discontents; they impatiently expect an interview with me that they may impart their grievances; and I esteem it a matter of very great consequence to have all occasions of jealousy of them utterly removed; from their late apprehensions of us they have (contrary to their engagements, and notwithstanding all that the Commissioners of Indian Affairs had represented to the contrary) adventured to make a visit to the Governor of Canada this summer; and what impressions may have been made upon them at this conference to our

[a] See note 3.

disadvantage, and how pernicious the effects of it may prove to the British colonies on the Continent, is much to be feared if I have not speedily an opportunity of undeceiving them and making them suitable presents upon this occasion, which may greatly contribute to the reestablishing them in good temper and friendship. It is represented to me that there are two other Nations or Tribes of Indians (besides those commonly invited to Conferences at Albany) viz., the Chonondado and Attowas in league with us and the Six Nations, and it is expected, and thought advisable, they should be sent for and partake of our bounty with the rest at such meetings.

Therefore, if you will sufficiently enable me to meet the Indians this fall, I shall comprize those Tribes in the invitation; and for the public service cheerfully undertake the voyage, however discouraging the season of the year may be thought; but let it be considered that the price of goods is greatly advanced since the commencement of the war, and more so upon those designed for Indian presents, as few people deal therein. [8]

Your coming together is sooner than I intended, could the welfare and safety of the Province have admitted the protracting a longer time; and as you are met, I flatter myself you will be speedy in your conclusions upon what I have now mentioned, and shall refer you to my speech for what was left undone at the last meeting, which I doubt not will take place in your deliberations at this time; when it will be also necessary to make provision for the services of the current year, with such dispatch as may enable me to meet the Indians before the season is too far advanced.

G. CLINTON."

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8 The act, chap. 806, passed November 29, 1745, for paying salaries, services and contingencies, appropriated six hundred pounds to reimburse the Treasurer for sums advanced to the Governor in October for presents to the Indians.

Also transmitting copies of letters from Commodore Warren and Governor Shirley relating to the reduction of Louisbourg; information concerning "some uneasiness amongst the Indians occasioned by a report that the English and Dutch designed to destroy them;" information of a similar character from Governor Shirley relative to the uneasiness among the Six Nations, and the danger of losing them, including "the intrigues of the French to bring those tribes over to their interest;" also a communication from the Commissioners of Indian Affairs "giving an account of the Mohawks going to Canada, and of a French Indian being amongst them"; also a letter from Lieutenant Butler to Governor Clinton, showing that a great number of Indians of the Six Nations had gone to Canada to treat with the Governor there; also a letter from the Commissioners of Indian Affairs "giving an account of the Orondax Indians being upon the frontiers, and of a man being taken by them near Fort Dummer;" also from the same source, information relative to intelligence by a Caghnawaga Indian; an account of the murder of two men by French Indians; a copy of the journal of Coenradt Wieser, the Indian Interpreter for the colony of Pennsylvania, whilst among the Six Nations of Indians; information concerning murders committed by the French Indians amongst the people of Connecticut; a letter from Governor Law, relating to Indian depredations; a letter from Governor Shirley, intimating that the French Indians have murdered two men within the Province of New Hampshire; a letter from Governor Thomas, "intimating that there is a great uneasiness amongst the Mohawks, for injuries done them, as they allege, with regard to their lands"; information from the Commissioners of Indian Affairs, showing that the "French Indians have taken up the hatchet, or declared war against the English, and that our Six Nations of Indians have been earnestly solicited by the Governor of Canada to join them."

August 21. Transmitting a letter from Commodore Warren, intimating that he was in daily expectation of the provisions and men from this colony for the assistance of the garrison of Louisbourg. (See note 5.)

August 23. The Governor sent the following message to the Assembly:

"It seems very expedient that a law should be passed, provided with proper penalties, which may effectually restrain all persons within this Province from trading or dealing in any sort with the French Indians during the War with France; for under color of a treaty of neutrality, concluded between them and the united Nations of Indians, in league with us, and upon pretence of traffic with the English, the French Indians have hitherto had constant intercourse with both, and thereby frequent opportunities of viewing our situation, and conveying intelligence to the enemy, which we should by all means endeavor to prevent. According to the information I have received, some of these French Indians were lately trading at Albany, when others of them at the same time were scalping and butchering his Majesty's subjects on the borders of New England; which we cannot but look upon with the same resentment as if done to any people of this Province; and besides, whatever these Indians barter their furs for, whether for clothing or gunpowder, is so much clear gain to the French and a strengthening of the hands of his Majesty's enemies; but more especially should we be upon our guard from the later intelligence received that the Indians in alliance with the French at Canada have taken up the hatchet there (at the instigation and in favor of the French) against the English, which is the ceremony usual with them of declaring war; and if so, it is incumbent on us, as much as in us lies, to prevent their having any intercourse or dealings within this Province, either with the Christians, or Indians in league with us.

Our Indians complain (as you will observe from the papers before you) that no provision is made for treating them with hospitality when they come to the garrison at Oswego.[b] Their visits occasion frequent expenses to the officer of his Majesty's troops posted there; a generous mind cannot refrain doing something to bid them welcome, though an officer cannot, through his own bounty, entertain them in a manner answerable to their expectations; yet they are continually (as it were) extorting something out of his pocket which amounts to a considerable sum at the year's end, and is a great discouragement in the way of his Majesty's service. It seems very unreasonable he should bear the least charge in a matter merely concerning the honor and credit of the government; therefore, I persuade myself you will think this a grievance and defect which needs no more than mentioning to have remedied, as it is necessary at this time that more forts or block-houses should be erected for the security of our northern frontiers, which cannot immediately be done, and some place of refuge may be a great convenience for a retreat for our out-scouts towards Crown Point;[c] and Mr. Lydias having made an offer of his block-house for the public use during the war, which is conveniently situated for the present purpose, it may be proper to accept thereof till some more considerable fortress shall be built, otherwise there will be a necessity for destroying it, least it fall into the Enemy's hands. In order that at all times hereafter the government may have sufficiency of gunpowder in store to answer the public necessities, his Majesty has been pleased to charge me with an instruction, (a copy whereof is herewith laid before you) whereby I am directed to recommend it to the Assembly of New York to pass a law, agreeable to those passed from time to time, in divers others of his Majesty's colonies in America, imposing a powder

[b] See note 4.
[c] See note 2.

duty on every vessel that enters and clears in this colony; therefore I doubt not you will forthwith prepare a bill for the purpose, agreeable to his Majesty's pleasure on this head.

G. CLINTON."

August 27. Transmitting a letter from Lieutenant-Governor Phips, applying for men, provisions and ammunition for the better preservation of the fortress of Louisbourg against any attempts of the French, also communications from Commodore Warren and the Commissioners of Indian Affairs. See note 5.

August 29. Consenting to an adjournment of the Assembly to the 15th day of October.

November 2. The Governor sent the following message to the Assembly:

"The naked and exposed condition of our Northern Frontiers, at this time of eminent danger, demands your most serious attention and vigorous and speedy resolutions.

When the French and their Indians have already made repeated incursions and ravages, upon the borders of New England, (notwithstanding the Treaty of Neutrality concluded between the latter and our Six Nations) we have nothing less to apprehend than that under the expectation of the like hostilities our out-settlements will soon be deserted if proper provision be not made for the erecting some forts or fortifications for their protection and security. This I most earnestly press upon you again, as I conceive it to be a matter absolutely requisite to be done with the utmost dispatch; and the rather likewise, as it would give countenance and encouragement to our Indians to join in the war with cheerfulness and resolution should their aid become necessary; and as matters are now circumstanced, their engaging in the war seems to be unavoidable.[a]

[a] See note 2.

At the late interview with the Indians at Albany, I was very solicitous to sift out the true grounds of their late commotions, and the occasion of their pretended jealousies that some of the people of this Province had conceived a design to destroy them; and after the strictest inquiry I could make, I found that the rumors propagated amongst them were without any foundation in truth; of this the Indians themselves seemed so perfectly satisfied that they desired their late conduct might be buried in oblivion. Upon the occasion of this public conference there attended Commissioners from the Massachusetts Bay, Connecticut, and Pennsylvania, with intent to renew and confirm the respective treaties with the Six Nations in conjunction with me; and the conclusion, I think, has well answered the expense the Province has been put to on this account.

You will find by this treaty (which I shall order to be laid before you) that in case, pursuant to a demand of the Six Nations, satisfaction shall not be obtained from the French Indians for their infraction of the Treaty of Neutrality by committing the late hostilities upon the borders of New England within the space of two months from the time of making thereof; or if in the meantime any further hostilities should be committed by them upon any of his Majesty's subjects, the Six Nations will expect my orders for their joining in the war against the French and their Indians, and will act accordingly.

But though it were to be wished a strict neutrality should be observed by the Indians at this time, yet 'tis not to be expected that we ourselves can remain inactive should any well concerted scheme be proposed for the annoyance of the enemy with the united force of this and the neighboring governments; therefore, Gentlemen, it is incumbent on you to make provision to enable me at all events to pursue every measure which may be for his Majesty's honor and service, and the interest of the common cause, in such manner as

may effectually answer his Majesty's commands, signified by his royal orders to me, which have already been laid before you; and further, by a copy of an instruction, which, with some other papers, I shall order to be delivered you.

Gentlemen, there is this further to be observed to you, that after the treaty with the Indians was concluded, an express was brought to the Commissioners of the Massachusetts Bay with advice that on the 11th of the last month another attack was made upon their frontiers at the fort at the great Meadow by an army of French and Indians, which those Commissioners immediately communicated to me, and earnestly requested thereupon that as the Six Nations had engaged by this Treaty to join in the War in case any of his Majesty's subjects should be attacked by the French and their Indians at any time within the two months before mentioned, I would therefore immediately issue my orders for the Indians marching to their assistance upon this occasion; but I thought this a matter of such great concernment to us that I chose rather first to give you the opportunity of providing for the security of our own frontiers, before those Indians should be withdrawn by their engaging in the War; so that now the absolute necessity of erecting forts upon our borders is most manifestly evident, and I make no doubt you will take this matter under your immediate care, for I am persuaded you cannot but think with me that should any further hostilities be committed against our neighbors, it will become a duty on this Province to give them the best aid we can to the utmost of our abilities; and I shall think myself obliged, upon notice of the like invasions, not only to order the Six Nations to join in the war pursuant to their treaties, but likewise to detach such a number of men from this Province to their assistance as shall be judged expedient to be sent them, according to the nature of the case; this my duty to his Majesty will require me to do.

G. CLINTON."

Also transmitting several papers relating to the war, and to Indian Affairs, and also the repeal by the home government of two acts relating to quit rents, one passed in 1742 and the other in 1744.

November 7. Transmitting several papers, including claims against the colony.

November 18. Transmitting a communication from the Commissioners of Indian Affairs.

November 20. Transmitting a letter from the Commissioners of Indian Affairs containing information relative to the destruction of Saratoga. At the same time the Governor sent to the Assembly the following message:

"Last night I received a letter from the Commissioners for Indian Affairs at Albany by express, dated the 17th instant, acquainting me that the night before the enemy had cut off Saraghtoga settlements upon our northern frontiers; that only one family has escaped the destruction by flight, that they saw the fort and some other buildings in flames.

Of such like misfortunes I have given you repeated warnings, and as to what heed you have given to them I leave to your own serious reflection; the world will judge of it; and as the Commissioners' letter (which I herewith lay before you) intimates, it is amazing that the necessity of building some fortifications for the protection of our Northern Frontiers (which I have so often urged) should have had no better effect with you; and I must say, as the Commissioners do, the like was never known that one part of a government should be left to be butchered by the enemy, without assistance from the other.

As these settlements at the distance only of between thirty or forty miles from Albany are destroyed, the High Road is now cleared from Crown Point to that city; and I find it absolutely necessary to make immediate detachments of

the militia from the neighboring counties and other parts of the Province for its protection against the insults of the enemy; for whose subsistence, it is incumbent on you to make ample provision with the utmost dispatch; as likewise, for the erecting a proper fort at the Carrying-Place which (as affairs have hitherto been concluded) I find is likely to be postponed as a matter not deserving your attention at this conjuncture, and another for the protection of the settlements in the neighborhood of those which have been destroyed, and for the maintenance of such numbers of men as will be necessary to guard them whilst building; and unless such forts are built, it will be impracticable to send forth out-scouts to watch the motions of the enemy, when they have no place of safety to resort to upon occasion. (See note 2.)

I cannot now hesitate about engaging the Six Nations of Indians in the War; you may have observed by the last Treaty they concluded with me that in case satisfaction was not made within two months by those Indians in the French interest who had committed hostilities against his Majesty's subjects upon the borders of New England, they would be ready to join in the war whenever I should order them so to do; but these Indians at that treaty asked the question what shall they do, now they have taken up the hatchet; they have no powder, ball nor clothes; people that go to war ought to be well provided, therefore suitable encouragement must be given to attach those Indians heartily to our cause, to which end our neighbors have furnished you with a notable precedent as a reward for their services.

As it may be uncertain what numbers of the militia the exigency of affairs may require to be sent to Albany this winter, it is highly expedient that an ample quantity of provisions should be now sent thither at all events as the river is open, in order to answer such services during the

winter as those troops may be sent upon, either for the defence of that city or attacking the enemy elsewhere upon our frontiers.

Upon looking back into the proceedings of the Assemblies in former wars, you will find what considerable annual expenses they have cheerfully borne, when, I may say, the Province was in its minority, with respect to its present flourishing circumstances; and I must leave you to judge what will be expected from you at the present crisis.

I am sorry I must tell you I find by the Treasurer that the present situation of the public funds is such as falls far short of answering the ordinary services of the government; therefore it is necessary you should take timely measures, not only for supplying the deficiencies, but (as you can have no expectation of a surplusage to arise from former grants) to devise new methods which may amply answer the present emergencies.[9]

G. CLINTON."

November 25. Transmiting papers relative to the destruction of Saratoga, and also information showing that about six hundred French and Indians had been passing Stockbridge.

November 28. Informing the Assembly that he had determined to send the King's troops to Albany, and recommending that the Assembly make provision for their immediate transportation and such necessaries as should be requisite for them in their passage, and also lodgings for the officers of said troops during their continuance at Albany.[10]

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[9] In addition to the ordinary methods of raising money by taxation and from duties, a lottery was established by an act, chap. 817, passed February 27, 1746.

[10] An act, chap. 825, to raise thirteen thousand pounds for various purposes, passed May 3, 1746, included items for transportation of troops to the frontiers, and other expenses connected with that service.

December 20. The Legislature met after a short adjournment and received the following communication from the Governor:

"Soon after your adjournment I sent his Majesty's troops from hence to Albany for the defence of that city, conceiving it in danger of falling into the hands of the enemy, from the late attempts they have made upon our frontiers; and since I have received letters from the Colonel of the Militia Regiment of that county and the Commissioners of Indian Affairs (which I shall order to be laid before you) recommending the immediate rebuilding the fort at Saratoga, for the reasons therein set forth; which his Majesty's Council thought of such weight that by their advice I have sent up directions to have it rebuilt accordingly, for the expense whereof, I doubt not, you will now make provision;[11] and for the pay of such additional forces as I shall be advised to send up for the protection of the frontiers; as also for giving a proper encouragement for our people to take pains to engage the Indians heartily in the war, pursuant to the orders I have sent them.

The Fort intended to be built at the Carrying-Place ought to be large and strong, of stone work; and though a building of that sort will require an extraordinary expense, yet that should be looked upon as inconsiderable when laid in the Balance with the great service a regular well built fort will be of at all times hereafter, but especially during the war.

The absolute necessity of concerting measures, jointly with the neighboring governments touching the prosecution of the war, is now most manifest; I have so often pressed it upon you to make provision to this end, that I cannot further inforce my recommendation than by repeating it,

[11] The act cited in note 10 appropriated one hundred fifty pounds for rebuilding the fort at Saratoga.

and offering to your consideration a letter just received from Lieut. Governor Phips, renewing the overtures frequently made to me, by the Massachusetts government on that head, as a matter of the utmost consequence for the preservation of his Majesty's subjects and colonies in North America.

The militia act requires some material amendments; the penalties should be enlarged to compel a due obedience to military orders, and as there are many persons within this Province who claim an exemption from military service at this time of war under color of commissions at large, without being confined to any particular corps, a clause should be provided to invalidate such commissions, and subject all such persons (who are not excepted by the act) to do private duty.[12]

Gentlemen.— There have been several things laid before you concerning the service and honor of this Province which seem hitherto to have escaped your attention; you may easily discover them by a review of your proceedings, and I am sorry they have not been thought worthy of your notice.

As we have a subtle and active enemy to deal with, one of our frontier settlements already destroyed, whereby many unhappy people were murdered, and others led captives to Canada, I have great reason to apprehend the French have a very formidable army in our neighborhood, with a design to make incursions into the heart of the Province; therefore I persuade myself from the last resolution you come to, you will make use of the means in your power to strengthen the hands of the government, and provide for everything necessary, not only that we may be

[12] Two militia acts were passed, one, chap. 814, November 29, 1745, continuing a former act, and the other, chap. 816, February 27, 1746, "regulating the militia of this colony."

enabled effectually to preserve his Majesty's colony under my care and your own fortunes, but also make the enemy sensible of the effects of our just resentment.

The present circumstances of affairs appear to me in such light that they require your most vigorous and speedy resolutions for the mutual protection of this and the neighboring colonies agreeable to his Majesty's royal orders and instructions communicated to you.

G. CLINTON."

At the same time the Governor transmitted the following papers: letters from Col. Philip Schuyler, desiring three hundred men may be detached from the lower counties for the defence of Albany and Schenectady, and recommending the rebuilding of a fort at Saratoga; a letter from the Commissioners of Indian Affairs, recommending sundry matters relative to the security of the frontiers; a letter from Major Jacobus Swartwout, conveying information that the French and Indians were preparing to invade the northern parts of this colony; a letter from Cadwallader Colden informing the Governor that the French have a considerable party among our Six Nations of Indians, who are industrious in promoting the French interest, and a letter from Lieutenant-Governor Phips of Massachusetts, proposing that measures be concerted by the governments of New York, Connecticut, New Hampshire and Rhode Island for their mutual protection.

1746. January 13. Transmitting a letter from the Commissioners of Indian Affairs, and also other papers relating to the frontiers.

January 15. Transmitting an extract from a letter received from Admiral Warren, dated at Louisbourg.

February 27. The Assembly was prorogued to the 4th of March.

GEORGE CLINTON, Governor.

The Assembly met on the 4th of March at Greenwich (then a suburb of New York). The Governor did not deliver a formal speech, but instead sent the following communication:

GENTLEMEN.—My present indisposition prevents my speaking to you in public; I most earnestly recommend to you to make ample provision, and that with the utmost dispatch, for all those services which I recommended to you the last session and hitherto remain unprovided for.

G. CLINTON.

SPECIAL MESSAGES.

March 5. The Assembly, having asked for an adjournment to the second Tuesday of April, on account of the prevalence of smallpox at Greenwich, the Governor replied that public business would not permit so long an adjournment, but that he would consent that the Assembly adjourn to meet in the Borough of Westchester the 12th inst., "as the smallpox is said to prevail in the country about Jamaica."

March 17. The Assembly found it inconvenient to transact business in the Borough of Westchester, because of the long distance that separated the Assembly from the Council, which did not change its place of meeting at the previous adjournment. The Assembly accordingly requested an adjournment to another place. The Governor replied that because of the smallpox in New York, it would be impracticable to adjourn the Assembly to that place, and directed that it be adjourned to "Brookland" on Nassau Island, and it accordingly met there on the 20th.

March 20. The Governor sent the following message to the Assembly:

"The circumstances of the Province are such that I think myself obliged, for the better security of it, to recommend to you to make provision with the utmost dispatch for erecting six block houses upon the northern frontiers, and for the maintenance and punctual payment of the militia to be garrisoned in them;[1] as likewise for twenty-five men to garrison two block houses already built, at the charge of the inhabitants of Schenectady, pursuant to the request of their petition, herewith laid before you.[2]

You may observe by the letters and papers from the Commissioners of Indian Affairs, (which I have also ordered to be laid before you) that the Six Nations of Indians have refused entering into the war, therefore it behoves us to fall upon such means as will most effectually engage them therein, and prevent their going over to the enemy; to which end, it is absolutely necessary that such measures be immediately entered into with the neighboring governments as will ease this Province of the great expense we must be at in keeping the Indians firm in the British interest, whereupon the security of most of the colonies upon the Continent depends; and I conceive there can be no better expedient to answer the purpose than an union of Councils of the several governments who are

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1 An act passed May 3d, chap. 825, to raise thirteen thousand pounds for purposes of defence, made provision for building six blockhouses between the northwest garrison of the colony of Massachusetts Bay and Fort William in the Mohawk's country, and for maintaining garrisons therein.

According to a paragraph in an act passed at the next session, July 15th, chap. 832, the erection of these blockhouses was found to be impracticable, and provision was made instead for maintaining four hundred sixty-nine effective men along the frontier for three months.

2 The thirteen thousand pounds' act of May 3d, chap. 825, made provision for repairs to the fortifications at Schenectady.

equally concerned with this Province in the common danger we are now exposed to; and I can assure you that several of the governments have already convinced me of their inclinations to promote our mutual safety, and only wait for the appointment of commissioners from this Province to concert proper measures.

The Commissioners of Indian Affairs greatly complain that the public service cannot be carried on for want of money to discharge all demands on that account; and I am confident you will agree with me in opinion that there should at least be a sufficiency in the hands of the colony treasurer to answer the wants of the government in time of war; I am the more concerned to press this upon you as the funds which have been given prove deficient.

The season of the year draws near for sending provision to Oswego; I have ordered the contractors to supply that garrison as usual; for which I expect you will make provision.[3]

I received a letter last post from Admiral Warren and General Pepperal jointly, informing me that it is absolutely necessary for his Majesty's service, as well as for the honor and interest of the colonies, that levies of men be raised by them respectively and sent to Louisbourg early in the spring in support of that garrison, until a sufficient number of troops arrive from Europe for its defence. I have not been wanting to represent to you the necessity there is of sending a quota of men from this Province thither, as the preservation thereof is of the utmost consequence to his Majesty's colonies upon this Continent; therefore I hope no time will be lost in con-

[3] The foregoing act, chap. 825, made large appropriations for maintaining a strong military force at Oswego.

tributing what lies in your power, for securing so considerable an acquisition.[4]

GENTLEMEN.— My desire to make the people safe and easy in their settlements occasioned me to allow you a short recess; I now promise myself a happy conclusion of this session by your providing speedily for the protection of the Province against any attempts of the enemy; who cannot be more industrious to contrive its ruin, than I shall be careful of preserving it in the quiet possession of his Majesty's subjects.

G. CLINTON."

On the same day the Governor transmitted papers relating to Indian Affairs and the frontiers, also information that Massachusetts had appointed commissioners to "treat with such as may be appointed by any of the other governments upon the continent."

March 26. Transmitting papers relative to Indian affairs and the frontiers.

March 27. Approving the appointment of Philip Livingston, Daniel Horsmanden and Joseph Murray, from the Council, and Philip Verplanck, and William Nicoll from the Assembly as commissioners "to treat with commissioners from the neighboring governments touching the conduct of the war." April 7, Henry Cruger, a member of Assembly, was added to the commission.[5]

April 5. The Assembly having asked the Governor whether he had any objection to the issue of bills of credit

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[4] The Assembly adopted a resolution April 22d, declaring that "as this colony is very much exposed and most liable to the attempts of the enemy at this season of the year, no men can be sent from hence without greatly endangering the safety of the colony."

[5] The general act, chap. 825, raising thirteen thousand pounds for the defence of the colony, appropriated one hundred pounds for the compensation of the commissioners appointed to confer with commissioners from other colonies on the conduct of the war.

pending the delay necessarily incident to the collection of an unusually large tax, the Governor replied that when a bill for that purpose came before him for his approbation, it would then be time for him to answer the Assembly's question, for he would then have the reasons for the proposed law.

April 22. Transmitting part of a letter from Admiral Warren urging that New York immediately send troops to aid the garrison at Louisbourg; and informing the Assembly that the home government had appointed an engineer for the Province. The Governor also said:

"By a letter I received from Capt. Collins from Virginia this post, dated the 13th of March last, he informs me that he is making the best of his way for Cape Breton, with the transports under his convoy, and that he cannot lose time to call here to take the Ruby under his care, but that this ship must stay till she can have a convoy, or until further orders; therefore you have the opportunity of doing an acceptable service to his Majesty and the fortress of Louisbourg, if you provide for the immediate hiring a privateer to convoy those forces to that place, without further loss of time, there being reason to apprehend an early attack from the French. This will be a seasonable instance of your duty and gratitude in return for his Majesty's paternal care of this colony, and his bounty towards us in the particular above mentioned."[6]

May 3. The Assembly adjourned to the first Tuesday in June.

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[6] The Assembly adopted a report of a committee, expressing the opinion that it would be impracticable to employ a privateer to convoy the "Ruby" for the reason that such a privateer would be no defence against a single man-of-war of the enemy.

1746. JUNE. TWENTY-FOURTH ASSEMBLY, THIRD SESSION.

GEORGE CLINTON, Governor.

The Assembly met on the the 3d of June and received from the Governor the following

MESSAGE.

"The intelligence I have received from Albany since your short recess, of the State of affairs in that county, obliged me to order an additional force of 300 men to be draughted out of the militia of such counties as I judged most proper, to be immediately sent up to their assistance; and they were to go upon this service on my assurance of recommending it to you to provide for their pay and subsistence in such manner as has been done for others, not doubting but you would readily do so.

You will find by the several representations, letters and papers (which I shall order to be laid before you) that the defence and security of that frontier required this step to be taken without loss of time; and not only so, but I think you must be of opinion, upon due consideration, that the exigency of affairs does absolutely demand a much more powerful assistance, as well for the maintenance of the northern frontiers, as the prosecution of the war into the enemy's country; it lies upon you to enable me effectually to answer both purposes, and that with the utmost dispatch.[1]

G. CLINTON."

[1] June 4th, the Assembly adopted a report of a committee recommending the enlistment of four hundred and fifty men and fifty Indians, including the militia already sent thither by the Governor. On the 6th of June, the Governor sent to the Assembly a designation of the militia and the Indians for this service.

With the message the Governor transmitted papers from the Commissioners of Indian Affairs relating to the situation on the frontiers.

June 6. The Governor delivered in the presence of both houses the following

SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—It has been signified to me by letter from his Grace the Duke of Newcastle of the 9th of April last (which I have received by express from Governor Shirley, an extract whereof I shall order to be laid before you) that his Majesty has been pleased to order an expedition against the French settlements in Canada, and I am commanded (as the other governors of his Majesty's colonies are) forthwith to make the necessary dispositions for raising as many men within my government as the shortness of the time will permit, to be employed in concert with his Majesty's regular forces on this important service.

It is his Majesty's intention that the troops to be raised in North America should consist of companies of 100 men each; and that those that should be raised in the several provinces of New York, New Jersey, Pennsylvania, Maryland and Virginia be formed into one corps, to be commanded by Mr. Gooch, Lieutenant-Governor of Virginia, whom the King has been pleased on this occasion to promote to the rank of a brigadier general.

The happy consequences which will redound to his Majesty's colonies on this continent, the advantage of the common cause, and the British interest in general from the success of such an enterprise, must be thought of weight sufficient to inspire every loyal breast and true lover of his country with a suitable zeal and resolution for contributing the utmost in their power towards the accomplishment of the present undertaking.

GENTLEMEN OF THE GENERAL ASSEMBLY.—In consequence of what I have now mentioned, I must recommend it to you

in the most earnest manner to make ample provision, and that with the greatest dispatch you possibly can, to enable me effectually to answer his Majesty's expectations from his loyal subjects of this Province, that we may signalize ourselves in the part his Majesty expects we should bear in this intended service. It is with the greatest pleasure I have now received your resolve of the 25th of February last, in answer to Mr. Shirley's letter of the 13th of January preceding, wherein you have expressed yourselves with a becoming warmth and heartiness that if his most gracious Majesty should think fit to undertake the expedition therein mentioned, this colony would cheerfully contribute anything in its power for the vigorous prosecution of such an enterprise, which leaves no room for doubt, as you have now the opportunity offered, that you will act with spirit and resolution becoming the importance of the present occasion.[2]

GENTLEMEN OF THE COUNCIL.—I am perfectly assured also that you will co-operate with the General Assembly with your usual ardour for his Majesty's honor and service, and that nothing will be wanting on your part for the advancement of this common cause.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I am perfectly satisfied that it is needless for me to recommend the cultivating an union and harmony amongst you upon a subject so agreeable to all your inclinations. His Majesty's paternal care of his remotest subjects has been always remarkable during the whole series of his auspicious reign, but more eminently conspicuous upon this

2 The proposed expedition against Canada was the subject of several acts passed July 15th, one, chap. 831, offered bounties to volunteers for the expedition; another, chap. 832, imposed a tax of forty thousand pounds for the purposes of the expedition; another, chap. 833, impressed "ship carpenters, house carpenters, joiners, sawyers, and their servants and all others, artificers and laborers for the building of battoes," and also impressed "horses, wagons and all other things necessary for carrying on the expedition," with the utmost dispatch, and another, chap. 834, detached three hundred men from Albany to serve on the expedition.

important occasion; and his Majesty having been pleased to take into his royal consideration the dangers these colonies have constantly been exposed to from the encroachments and insults of the subjects of the French King, has been graciously disposed to set on foot an expedition, the success whereof will free you and your posterity from that danger and the heavy expense attending it. This instance of his royal goodness and tenderness towards you cannot, and I am persuaded, will not fail of meeting with all due returns of duty, loyalty and gratitude.

G. CLINTON.

SPECIAL MESSAGES.

June 6. Informing the Assembly that a number of French prisoners had been brought into the city, but the Governor, thinking it not proper that they should remain in the city, had sent them into the country, and recommended that provision be made for their subsistence.[3]

The same day the Governor transmitted an extract from a letter received from the Duke of Newcastle relative to a proposed expedition against French settlements in Canada. (See note 2.)

June 6. Thanking the Council and the Assembly for their addresses.

June 9. Transmitting a letter from Governor Shirley of Massachusetts relative to an expedition against French settlements in Canada. (See note 2.)

June 18. The Governor sent the following message to the Assembly:

"As I look upon it to be a matter of great concern to the present expedition that the Six Nations of Indians and others in alliance with and dependent upon them, should be

[3] An act, chap. 847, passed at the next session, December 6th, for victualling the troops on the expedition, made an appropriation for the subsistence of the French prisoners.

engaged with us in the war, I have with that view, ordered the Commissioners of Indian Affairs immediately to send up a message to them to invite them to meet me at Albany on the 20th of next month; and, in order to bring this design to effect, I am commanded by his Majesty to make them such presents as I think may be of use for the purpose; and I think 'tis proper likewise, that the Colony should make them some additional present at the same time.[4] If you are of that opinion, you will make timely provision accordingly; and that my endeavors may be rendered yet more effectual, I have wrote to the several Governors to the westward, and to the Governors of the Massachusetts Bay and Connecticut, recommending it to them to endeavor that their respective governments do bear their proportion of the expense which will attend the engaging the Indians in the war, that the joint influence of these colonies may be exerted for the accomplishment of an event which would greatly facilitate the present undertaking, and give us still further assurance of the success of it; and in the interim tend much to the security of our Northern frontiers.[5]

That the Indians may be induced to join heartily with us, I think you should also provide for proper encouragement for them; and the sooner it is known what they are to be allowed for bounty and subsistance the better.

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[4] The forty thousand pound act, chap. 832, passed July 15th, appropriated one hundred fifty pounds for the Governor's expenses on his proposed visit to Albany to meet the Indians.

[5] On the 20th of June, the Assembly adopted the report of a committee, expressing the opinion that "this colony should, in common with the neighboring governments, bear a proportionable part of the expense of furnishing provisions for such of the Six Nations of Indians, and of those in alliance with them, as will go upon the expedition against Canada." On the 11th of July, the Assembly adopted another resolution declining to recede from the position taken by it on the 20th of June, but declaring that if the neighboring governments "shall yet contribute their parts thereof, this colony will cheerfully bear its proportion with them."

As I have had no directions from his Majesty to provide battoes, tents, or other particulars, for the intended expedition, (except arms and clothing) and as the forces cannot proceed without things necessary, I desire to be speedily informed whether you will make provision for them, as well for the use of the troops to be raised in this Province, as for such of his Majesty's regular troops posted here as I may think proper to order to march as occasion may require. (See note 2.)

Mr. Collins, the Town Major of Albany, sustains a heavy and expensive duty in the execution of that office; for which I think it proper and just an annual allowance should be made him, suitable to that service.

G. CLINTON."

Also transmitting papers relating to affairs at Saratoga.

July 4. The following message from the Governor contains information concerning the conduct of the war:

"During your late short recess, in pursuance of representations from the Commissioners of Indian Affairs at Albany, and the Colonel of the Regiment there, I found it expedient, and was advised by his Majesty's Council, to commissionate proper officers to raise a company of volunteers out of the militia posted at Albany, to range and scour the woods to prevent the enemy and their savages penetrating into the country upon the Frontiers, and from committing the like horrid murders and barbarities for the future, which they have of late perpetrated, and a company of 100 men has been accordingly enlisted, and (as I am informed, from the same hands) have been of great service; but as the latter has acquainted me by letter since his return to Albany, that that company refuses to continue in that service without an additional pay is provided for them, which indeed I promised to recommend to you to do,

but it has through hurry of business been thus long omitted, and I hope you will take care that their pay shall be adequate to the service.[6]

I have very lately received answers from Mr. Gooch, Mr. Thomas and Mr. Law, on the subject matter I have heretofore acquainted you I wrote to the several Governors of these colonies upon, namely, concerning their bearing respectively a proportion of the expense which will attend the engaging the Indians to take part in the war, and what I aimed at principally was touching the articles of provisions, with which the warriors of those Nations, that go upon the expedition, must necessarily be furnished; I shall order copies of the paragraphs of these letters, relating to this matter, to be laid before you, whereby you will find, at least, as to the two latter, that their respective governments refuse to bear any share of that burthen; and as to the former (as I conceive it may be intended to relate to nothing more than a present he intends to make them) it will remain then for your consideration and care at this time, for a failure in so material a point may be attended with very bad consequences. (See note 5.)

As this is the opinion of those Governments with regard to their bearing a proportion of the expense of furnishing with provisions such Indians as engage in the expedition, I apprehend from thence that they will not engage to bear a proportion of the expense of provisions for such of the King's Troops as I shall judge requisite to send out of the Province upon this service; and as the shortness of the time will not admit of my waiting to know the sentiments of the several governments upon this article, I must therefore again recommend it to your care and consideration,

[6] An appropriation to pay rangers on the frontiers was made at the next session, by an act, chap. 847, passed December 6th, which provided for the expenses of the expedition.

although for want of his Majesty's particular instructions, I cannot as yet resolve upon the number.

I think it proper likewise, that provision should be made for transporting the warlike stores, six pieces of cannon, and the provisions designed for the use and subsistence of the troops raised within this Province, along with the army.[7]

G. CLINTON."

Transmitting copies of several letters from his Excellency to the Governors of the neighboring colonies, relating to their contributing towards the expense that may attend the engaging the Indians in the expedition against Canada; together with extracts of several letters in answer thereto; also a letter from Col. Philip Schuyler, relating to the frontiers.

July 8. The Assembly received the following message from the Governor:

"Since your resolves of the 20th of last month were communicated to me, wherein among other things you declare your opinion that his Majesty does not expect this colony should be at the expense of providing battoes, tents or any other necessaries requisite for the expedition, besides the particulars you had resolved to provide for in the said resolves; I am informed that the neighboring governments have resolved to advance all the money (on the faith of his Grace the Duke of Newcastle's letter, in confidence the Crown will repay it) that shall be wanting for transporting the troops they respectively raise, and for every contingency that may enable them to act with such vigor as may be expected from them; and as I am per-

[7] According to a resolution adopted by the Assembly July 11th, it was not deemed practicable for New York to assume the entire expense connected with the transportation of supplies along with the army.

suaded that this Province (in return for the many special favors received from the Crown) will not at this time suffer themselves to be outdone by any of the neighboring governments, in such measures, as will tend to facilitate and promote the present expedition, on the success whereof the safety and prosperity of this Province is more immediately than any other concerned; I must recommend it to you, Gentlemen, to advance the money which may be requisite for making the necessary preparations in the Province for transporting the men and artillery to be sent from hence, and for arms, ammunition, tents and clothing; and for so much of the money as you shall think it is not expected that this Province is to bear the charge, I shall give in my bills for repayment on the respective offices belonging to the Crown, as relate to the several materials to be furnished on this occasion; and I am in hopes you will the more cheerfully follow the example of your neighbors, because thereby one-third or one quarter of the charge which otherwise must fall on the Crown may be saved, it being a common observation that merchants take advantage of great and unusual demands to lower the exchange unreasonably, and from them only money can be obtained, unless you assist me in the manner proposed.

GENTLEMEN.— I make no doubt of your cheerfully contributing everything in your power to ease the Crown of the charge of this expedition, at a time when your mother country bears the heaviest burthens of a most expensive war, occasioned by the unnatural troubles in Great Britain, and threatened invasions from abroad. (See note 2.)

I have delayed sending this message in hopes of receiving more particular directions in this affair than as yet I have; but now the time for the necessary preparations does not admit of further delay.

G. CLINTON."

July 9. Transmitting information received from Admiral Warren and Governor Shirley relating to the expedition against Canada.

July 13. After publishing the laws passed at this session, the Assembly adjourned to July 29th.

1746. OCTOBER. TWENTY-FOURTH ASSEMBLY, FOURTH SESSION.

GEORGE CLINTON, Governor.

After several adjournments, the Assembly met for the transaction of business October 13. The Assembly journal of the 17th contains the following:

"The Speaker from the Chair acquainted the House that his Excellency had sent for him, and acquainted him that he had prepared a speech which he intended to have delivered to the House himself, but that having been seized with a sudden indisposition, he was thereby rendered unable to do it, and therefore, desired the Speaker to lay it before the House, in his name; which being done, and the House conceiving that manner of delivery to be irregular, took the same into their consideration, and were unanimously of opinion, that it was unprecedented, and contrary to the usual course of Parliamentary proceedings; but in consideration of his Excellency's indisposition, and that the dispatch of business at this extraordinary conjuncture, might not be retarded, consented to accept and receive it, and the same being read, is in the words following, viz:"

GENTLEMEN OF THE COUNCIL, AND GENERAL ASSEMBLY.—In obedience to his Majesty's commands, I went in July last to Albany in order to engage the Indian Nations to join with us in the expedition against Canada. You are not ignorant of the bad disposition the Six Nations have been in for some time past, and the French of Canada have been indefatigable in using all the artifices in their power to turn that disposition to their advantage. It is not then

to be wondered at that I met wih many difficulties in that affair, but this I hope will now increase your pleasure when I can assure you that the Six Nations and the neighboring Indians have in the most solemn manner joined with us in the war against Canada. Had the fleet from Great Britain arrived at the time it was expected the good effects of the treaties I had with these Indians would have been much more manifest than what can now appear, when from unexpected incidents publicly known we ourselves have not been able to pursue any steady measures, and the mortality of the city of Albany having been communicated to the Indian camp (it being impracticable to keep the Indians from the town or the inhabitants from them) I was obliged to dismiss the Indians on their promise of bringing back all their force at any time I shall direct; however, I already expect that the inhabitants of Canada feel in their own country the effect of this meeting. The differences and disorders which from some time past have appeared among the Six Nations I think could not have happened without some neglect or misconduct in the management of Indian affairs. The enemy gained great advantages thereby; I must therefore recommend this to your consideration, as all the advantages obtained in your late treaty with them by much assiduity, and a great expense may be lost by neglect in the conduct of their affairs, while a watchful and cunning enemy suffers no opportunity to slip of debauching their minds and diverting their affections from us.

When I left this place I was in hopes of being freed from the principal care of the forces intended to proceed by land against Canada by the arrival of Mr. Gooch, whom his Majesty had appointed to command them, and who was then every day expected, but that gentleman having absolutely declined the service I was obliged to take that care upon myself.

After we had been so long disappointed in our expectation of the arrival of the fleet, and that any attempts by

sea seemed impracticable, I concerted measures with Mr. Shirley and Mr. Warren to employ the land forces to the best advantage for the security of the frontiers and annoyance of the enemy, but these measures were disconcerted by the accounts received of a fleet of ships being on the coast of Nova Scotia, which was suspected to be the Brest squadron. It then became necessary for me to make such dispositions of the forces at Albany at I thought would best serve for the security of this Province, and at the same time facilitate any enterprise against the enemy that may at any time hereafter be thought advisable; and I have, before I left Albany, given orders accordingly.

The danger all the English colonies in North America are exposed to by the arrival of a squadron of the enemy's ships with a considerable land force, as it is said, on the coast of Nova Scotia requires our attention, but I have not as yet received sufficient information to be able to speak to you particularly on this head.

Gentlemen of the General Assembly.—A larger sum than usually given for the management of the Indian affairs is at this time necessary, and as by the orders which I have left behind me at Albany, a winter camp is to be formed and several small forts and block houses to be built for preserving the communication with the army and security of the frontiers, a considerable expense must thereby be occasioned, estimates of which, so far as I can procure them, shall be laid before you. Your own safety is immediately concerned in the execution thereof; and as this Province must sensibly feel the effects of any misfortune that may happen, and will likewise gain the greatest advantages from the success of any enterprise against Canada, I make no doubt but that you will cheerfully contribute all that is in your power in furnishing the means requisite on this occasion. You must be sensible at what great expense your mother country supports the present war against the enemies of the liberties of Europe, and of the Protestant

Religion, and how much this expense has been increased by a most unnatural rebellion, which is now happily suppressed, and therefore how justly the King must expect of you a liberal contribution to the utmost of your power. When you consider the great sums which the Crown expends on this expedition, of which you will reap the choicest fruits, any parsimony or saving (however popular this term may have become) cannot at this time be mentioned in your house with prudence or decency; and I must recommend it to you, that whatever expense you shall judge necessary may be made the least burthensome possible, especially to those who are least able to bear it.

GENTLEMEN OF THE COUNCIL, AND OF THE GENERAL ASSEMBLY.— It is always to be wished that a perfect harmony may subsist between the several branches of the Legislature, which never was more necessary than now, as we are exposed to a powerful, cruel and deceitful enemy. Differences often arise from imaginary evils, and the weakness of human nature is such that mankind are seldom free from real causes of mistrust, but these likewise are often aggravated by the private views of artful and designing men. What I shall propose to you on this occasion is only to observe to you that every branch of the Legislature ought to keep strictly to our happy constitution, without anyone endeavoring to encroach upon the powers or privileges intrusted with the others. When unhappy differences have arisen in our mother country, from an imprudent or wanton stretch of power in any one of the parts of government, a cure has been attempted by throwing an overmeasure of that power into some other part, by which the balance between the several parts of government has been destroyed. The cure became worse than the disease, whereby confusion and calamity always ensued, till the balance was again restored. I am told that something of the like nature has more than once happened in this government; let us then guard against such mischiefs, and let us resolve to show

by our actions, as well as by words, that we understand and love the English constitution, and thereby convince each other of the sincerity of our intentions for the good of our country, and then I make no doubt all of us shall enjoy the pleasures which necessarily arise from the good effects of such a resolution.

G. CLINTON.

SPECIAL MESSAGES.

October 18. Transmitting an extract of a letter from Col. John Roberts dated at Albany the 6th of October, 1746.

October 23. The Governor sent the following message to the Assembly:

"When you resolved to find provision for the forces raised in this Province for the expedition against Canada, it was thought that you was at the same time resolved to bear all the charges incident thereto, of which the carriage of the Provisions with the army is part, and this opinion seems to be confirmed by the express words of the act, whereby the Commissioners are directed to deliver the provisions to the several captains of the companies levied in this Province; it then follows that the Provisions are to be carried to such places where the Captains with their Companies shall be on duty, and there delivered to them from time to time in such proportions as they may distribute them among the men; otherwise it would be impracticable for the Captains to take care of the provisions for their several companies as by the act seems to be intended, by the difficulties which have arisen from the Commissioners refusing to deliver the provisions otherwise than at Albany; the execution of the orders which I had given in pursuance of the measures for operation, concerted with Mr. Shirley and Mr. Warren, has been so far retarded that they may now perhaps become impracticable by the season of the year.

GENTLEMEN.— I must on this occasion tell you that the provisions for the army are so necessary a part of all warlike enterprises that any defect or obstruction in the daily supply of them may defeat the best concerted measures; and that if the provisions for the army are not subject to the orders of the General or Commanding Officer, it is in the power of those Persons who have the directions of furnishing provisions to defeat any enterprise; I must therefore recommend it to you to amend the former act in such manner that the service for which these provisions are destined may not suffer, but be rather promoted and made easy; and for this purpose, that you will provide for transporting the provisions along with the forces; and as I have ordered part of the four independent companies of regular troops to go with the other forces levied in this Province, I must desire that you will put them (as to provisions) on the same footing with the other forces.

As the officer commanding the forces of this Province has informed me that 1380 men have appeared at the place of rendezvous, that the Commissioners for paying the additional bounty of forty shillings, and a blanket, to such as shall appear there, have only received two thousand four hundred pounds for that purpose; and that this deficiency may occasion desertions and disorders among the soldiers; I must recommend it to you, the making up this deficiency, and that you will likewise furnish blankets for such of the regular troops as shall be employed in the same service with the forces levied for the expedition against Canada.[1]

G. CLINTON."

November 10. In a message replying in part to a resolution adopted by the Assembly on the 5th, relative to the

[1] An additional appropriation for bounties was made by an act, chap. 847, passed December 6th, providing further supplies for the expedition to Canada.

conduct of the war, the Governor, after considering several details already substantially included in previous messages, said:

"Now, Gentlemen, I think this is an occasion on which I may be allowed to tell you that within these six months last past I have gone through more difficulties, I have had less assistance, and I have done more for this Province, than I believe any Governor of New York before me; I feel in my own breast my zeal for my King and my Country's service; and therefore, I can with pleasure lay the account of my administration at his Majesty's feet.

In the meantime, I shall to the utmost of my power be careful of the rights and liberties of every man under my government; I shall be more especially careful of the preservation of your privileges; and at the same time, to preserve that part of his Majesty's authority which he has intrusted me with."

November 24. The Assembly, having adopted on the 8th a series of resolutions criticising the action of certain military officers in reference to the provisions intended for the army on the expedition against Canada, the Governor replied with considerable detail, defending the officers, and assuring the Assembly that everything had been done either according to his orders, or under the authority of the statute. He refused to comply with the Assembly's request to direct the Attorney-General to prosecute certain officers, but said he would lay the whole matter before the King, and obey his orders.

A view of one of the customs of the time appears from the Governor's statement that the Commanding Officer of the expedition had complained to him that there was a deficiency "of rum sent to Albany for our levies."

The situation growing out of the differences between the Governor and the Assembly soon became somewhat acute, as appears from the following resolutions adopted by the Assembly on the 26th of November:

"Resolved, That the answer returned by his Excellency to the resolutions of this House of the 8th instant, is in no

respect satisfactory; and that this House cannot, in faithfulness to the people they represent, pass any bill for a further allowance for provisions for the forces raised on the expedition against Canada, whilst the notorious abuses committed in such as have been already provided, are openly avowed and encouraged.

That whoever advised his Excellency to return such an answer, have endeavored to create jealousies and dissensions among the several branches of the Legislature; have encouraged a manifest breach of the laws of this Colony, and are enemies to the Constitution thereof.

That as soon as proper assurances shall be given that the abuses committed in respect to the provisions already provided for the subsistence of the forces raised on the expedition against Canada, shall be effectually prevented, this House will cheerfully pass a bill for a further ample allowance for the subsistence of the said forces; and that until such assurances be given, this House cannot, in justice to the people they represent, proceed upon any business whatsoever."

November 28. The Governor, after expressing his regret that his former message had not been satisfactory to the Assembly, said:

"I shall only add that I expect the provisions shall be delivered out as the service requires, agreeable to the engagements you are under for the sustenance of the troops raised within this Province; then nothing that has happened, can or shall happen again.

I further assure you that all possible care shall be had of the provisions, and that an exact account shall be laid before you of all that has been taken for the use of the said troops; and I think you cannot expect from me any other assurances than what I have now given."[2]

November 29. Transmitting accounts presented by the sheriffs of Queens and Kings counties for the subsistence of French prisoners.[3]

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[2] An act, chap. 847, was passed December 6th, making additional provision for the expedition.

[3] The claims for subsistence furnished to French prisoners were provided for, and their payment directed by the act, chap. 847, passed December 6th, making additional provision for the expedition against Canada.

December 2. The Governor sent the following message to the Assembly:

"By the act for giving a reward for such scalps and prisoners of the Enemy, as shall be taken by the inhabitants of (or Indians in alliance with) this colony, there is no mention made in relation to females; and as a party of the Six Nations have now taken (among some males) three girls prisoners, and scalped one woman, I must recommend it to you, to make provision for them, in like proportion with the males, on this and other occasions, as an encouragement to the Indians; since this is a plain instance of their being heartily entered into the War against our cruel enemy, the French.[4]

The Senekas and Onondaga nations applied to me at Albany for smiths to reside in their castles, and I have sent up one to each Nation, viz. John Abeel for seven months, to the Senekas, and Ryer Bowen, for six months to the Onondagas, according to the agreements and charges herewith laid before you, which I desire you will provide for. Mr. Johnson, the present contractor for furnishing the garrison of Oswego with provisions, informs me that the allowance by you given is twenty-four pounds short of the usual allowance; and as he has undertaken to supply that gar-

4 The policy of giving rewards for scalps was expressed in an act, chap. 819, passed February 27, 1746, relative to this subject. The preamble declared that "Whereas the Cruel & Barbarous Practice of Scalping our Inhabitants has been begun & carryed on by the French & Indians in their Alliance, This Colony find themselves under the absolute necessity in Retaliation to Pursue the same Methods and to Encourage the Six Nations of Indians to Enter Vigorously into the WAR."

The statute offered a reward of ten pounds for the scalp of a male person above sixteen years of age, and twenty pounds if such person were taken prisoner. Like rewards of five pounds and ten pounds were offered if the person scalped or taken prisoner was under the age of sixteen. These provisions were deemed to be in force from "the commencement of that inhuman practice of scalping begun by the enemy lately at Saratoga."

rison in time of war, without any other expense to the Province than in time of peace, I hope you will make good this deficiency.[5]

From the informations I had of the enemy, when at Albany, I was under a necessity of making good some defects in the walls of the fort there, which was thought defenceless in case it should be attacked, the expense of which I have ordered to be laid before you, that you may make provision for it, payable to myself, having already discharged that account on the credit of the Province.[6]

G. CLINTON."

December 6. The Governor prorogued the Assembly to the 13th of January.

1747. MARCH. TWENTY-FOURTH ASSEMBLY, FIFTH SESSION.

GEORGE CLINTON, Governor.

After several prorogations the Assembly met March 24, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I have delayed calling you together till this time in hopes of receiving his Majesty's commands, and thereby to have been enabled to speak more explicitly to you with respect to the expedition against Canada than I can at present.

But the season of year is already so far advanced that it is become necessary to make preparation without delay, for posting and employing the forces in such manner as they may be most useful for the security of our frontiers,

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[5] The deficiency in the allowance for provisions at Oswego was provided for by an act, chap. 848, passed April 29, 1747, to furnish additional supplies for the expedition against Canada.

[6] By the act cited in the last note, the Governor was reimbursed for the expense incurred in repairing the fort at Albany.

and the execution of any enterprise that shall be thought proper for annoyance of the enemy.

I sent Col. Roberts to Boston to concert measures with Governor Shirley for this purpose, which is done accordingly.

I have likewise retained the Mohawk Indians from hunting, that they may be ready on any occasion for service, and have used my best endeavors among the other Five Nations to preserve them in the good disposition in which they were after my last treaty with them at Albany, and to have them in readiness upon every occasion in which they can be of service.

Parties of Indians with some of the inhabitants of this Province are gone and going out with design to intercept any of the enemy that may be abroad near our frontiers, and to range the woods in all places where they may expect to meet with any of the enemy.

Gentlemen of the General Assembly.— You know that provision is only made for victualling the troops levied in this Province to the first day of May; I must earnestly recommend to you the making further provision for this purpose.[1]

I have, with very great expense and charge to the Crown, and without any charge or burthen on the inhabitants of this Province, secured the friendship of the Six Nations of Indians, and of the nations dependent on them. I have likewise at the same expense and charge received hopes of joining some other of the more western nations of Indians in the war against the French, and who were formerly in the French interest. I think it may tend much to his Majesty's service, the security of all the English colonies in North America, but more particularly to the security of this Province, and the success of any enterprise that may

[1] This recommendation for additional provisions for the troops was embodied in an act, chap. 848, passed April 29th, making an additional appropriation for the expenses of the expedition against Canada.

hereafter be undertaken against the common enemy, that this good disposition among all the Indian nations in amity with us be confirmed and established by all the means in our power. For this purpose, I propose to go as early as possible to Albany, and I hope you will think it incumbent on you to contribute as largely as the circumstances of the Province will permit towards the expense that must necessarily attend this service.[2]

Among other things which are concerted with Governor Shirley, two forts are to be built at the carrying place towards Crown Point for security of the magazines and stores and of our frontiers and forces on several emergencies that may arise, and a body of men from the several colonies are (as soon as the season will permit) to be encamped there for the more secure and effectual carrying on of these works and other services; and as no directions are arrived from his Majesty or his Ministers for defraying the expense of any part of the expedition against Canada, it is proposed that the immediate expense of these services be at the charge of the several colonies who have levied forces for the expedition against Canada, according to the rates and quotas which were agreed upon by the Gentlemen of the Council of this Province, who attended me at Albany, and the Commissioners of the Government of the Massachusetts Bay, and presented to me at Albany as a reasonable proposal to be laid before the Legislatures of the several colonies for their respective approbation.

Governor Shirley assures me that he will promote this service as much as it is in his power.

As this tends more immediately to the security and safety of the people of this Province, I expect that you will set a good example to the other colonies by your cheerful contribution towards the expense of it; and this I must desire you to do as speedily as possible, for I cannot so

[2] The act last cited, chap. 848, appropriated one hundred and fifty pounds for the Governor's expenses on his proposed "voyage" to Albany.

much as desire the concurrence of the other governments till I am assured of yours. I shall order the proposal of the rates and quotas as it was delivered to me at Albany to be laid before you.[3]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— I shall offer no other business to your consideration at this time, because the nature of the service to which I desire your assistance requires the greatest dispatch, and besides, the meeting of the Indians which seems to me requisite to be without delay, the present state of the new levies and other services require my presence at Albany as soon as may be.

This, therefore, must be a short session, but you shall meet again as soon as these pressing affairs will permit, when you may have time to consider whatever may be proper for the good of the Province; if anything else shall occur necessary for your present consideration besides what I have now laid before you, I shall communicate it to you by message.

G. CLINTON.

SPECIAL MESSAGES.

April 1. Transmitting an estimate, dated August 22, 1746, of the extraordinary charges for attacking the fort at Crown Point. The estimate was the result of a conference with the Massachusetts commissioners.

April 3. The Assembly received the following message from the Governor:

"As you had last year made no provision for the expense of outscouts and rangers of the woods, my compassion for the inhabitants exposed to the cruelties of a barbarous enemy, made me, while I was at Albany, send out parties, both of Indians and Christians, at the expense of

[3] Acts were passed at the next session providing for the subsistence of volunteers, chap. 853, and appropriating twenty-eight thousand pounds for the expedition against Canada, chap. 854.

the Crown; the then present necessity made me presume on his Majesty's gracious allowance of this expense, but I dare not venture further now that you have an opportunity of providing for it; and therefore I must, in the most earnest manner, recommend to you, to provide for the expense of keeping a sufficient number of out-scouts and rangers for the security of the frontiers, as there will be an absolute necessity of marching all the forces soon from thence; and as a further inducement to you, I send you a copy of a petition to me from the freeholders and inhabitants of Kinderhook, to this purpose.

G. CLINTON."

The Kinderhook petition accompanied the message. It set forth the defenceless condition of that place, and prayed that fifty men might be assigned to the garrison there, and fifty men for out-scouts. (See note 4.)

April 10. Transmitting accounts of Gysbert Vandenbergh,[5] and Captain Edward Hart[a] for expenses incurred in the war.

April 24. The Assembly having requested the Governor to give directions that one hundred men of the new levies be employed to range and scour the woods in the county of Albany for the greater security of the frontiers, the Assembly agreeing to make an allowance of one shilling per diem for each man in addition to the pay received from the King, the Governor said:

"I must inform you that while I was last at Albany I could not persuade any of that county to go out to range the woods at less than three shillings a day, and provision, though it was to defend themselves, their near relations,

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[5] The Van Denbergh claim was provided for by an appropriation to the Governor in the act last cited, chap. 848.

[a] The Hart claim was provided for by an act, chap. 864, passed April 9, 1748, making provision for several services for the defence and security of the frontiers.

neighbors, and their estates. The reason given for this was that this kind of service is so expensive in the wearing of shoes, and other apparel, while they are obliged to march thirty or forty miles a day, on the track or pursuit of the enemies' skulking parties, as it may happen, through brush, and thick swamps; through water, and over rocks and hills, that the expense of apparel would at least amount to that sum. The New Levies there will think themselves hardly dealt with, and no doubt they would be, to be sent on this service at the rate of one shilling a day, since the extraordinary wearing of apparel must go out of that sum; besides this, the New Levies cannot be sent under any command but of their own officers, and no proposal is made for defraying the extraordinary expense of the officers, nor for their encouragement under such fatiguing service.[4]

But, Gentlemen, as these resolves are introduced with an assertion, that the new levies have remained hitherto unemployed, and are so much of a piece with some other things that have come from you; I find myself under a necessity of laying before you a view of my past conduct, with respect to the care of the frontiers since the time that any of the new levies marched to Albany, and my own going thither.

The securing the fidelity of the Six United Indian Nations seemed to every man to be of the greatest consequence to the safety of all the British Northern colonies and to the success of the expedition intended against Canada; with what difficulty and with what charge to the Crown this was done is well known, and though it was of the highest importance to the safety of this Province, it was done without any charge to the people of it.

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[4] An act, chap. 848, passed April 29th, provided for the payment of one hundred rangers, fifty to be employed on the east side of Hudson River in the county of Albany, and fifty on the west side.

At the same time, the care of providing everything necessary for the marching of the forces, viz. arms, ammunition, clothing, tents, battoes, and all the utensils necessary for a camp and march, fell upon me; all this was done at the expense of the Crown, without any charge to this Province, and with great advantage to the private interest of many in it; this unavoidably took up a great part of the summer; and though at that time I was thus engaged in a multiplicity of business, and had my cares and thoughts diversified by a variety of unexpected incidents and disappointments, during the time of an extraordinary sickness (which I had my share of) and mortality at Albany, I did not neglect the care of the Frontiers; I sent parties of Indians as far as Crown Point and Sacrament Lake for intelligence; and to intercept the enemy's parties, I sent out the Captains Langdon and Tyebout, severally, with parties of the new levies; for the same purpose, I sent likewise Capt. Staats, with a party of chosen men, of the new levies at Albany, such as he thought the fittest for the occasion, to range the woods with a number of Indians that were joined with them likewise at the expense of the Crown.

It is needless to tell you by what means any enterprise against Canada last year became impracticable, otherwise than by sending parties of Indians to harrass them, which was done with success. Immediately after the thoughts of any kind of expedition against Canada were laid aside for that season, I gave orders for posting the new levies in such manner, as by the best information I could obtain, might tend most for the security of the frontiers, and at the same time forward any enterprise for annoyance of the enemy that should be thought proper as the season of the year would permit. For this purpose, I gave orders to fortify a camp, capable of containing 500 men at least, at or near the Carrying-Place. This I thought might serve two good purposes. 1st, As all the enemy's parties make their incur-

sions on our frontiers by this pass, it would be difficult for them to pass without being discovered either in their going or returning, and that probably they must be intercepted by such a number of men posted there; next, it would afterwards serve as a security for the magazines and stores for the forces that shall at any time be employed by land against Canada; and it is agreed by all, whom I heard speak on this subject, that this is the fittest place for both these purposes. The Forces did march for this end, but by the unexpected interruption in the provisions for the men who were to cover the works while they were erecting, and to defend the place after it was erected, and other difficulties thrown in the way, this work (though in my opinion) absolutely necessary, was laid aside; and the officers who had the command were, by the cold weather which came on, forced to take up with the old fort at Saraghtoga, only enlarging it and making new defences to it; though by all the informations which I had of that place, it is the most disadvantageously situated that anything of the kind can be, as it cannot serve for any of the purposes which I had in view by the fortified camp at the Carrying-Place, and is so overlooked by hills, covered with woods, that the enemy's skulking parties can discover every motion in the fort, by the lowness of the ground, and the watery swamps round it; it has always been unhealthy, and has brought on a continued sickness in every garrison that has been placed in it; the event has on too many occasions proved the truth of these things.

In pursuance of my orders, one company of the new levies was posted at the Mohawk Castle for their security; another company betwixt that and Schenectady; two companies at Schenectady; one on each side of the river; three companies at Cannestagayune; four companies at the Half Moon; two companies at Schatakook; and three companies, besides detachments, from the others at Saraghtoga; so that there were garrisons of the new levies in a

line, from east to west, cross the Northern Frontiers of this Province, in every place where a number of men could be placed with safety in the winter season; the rest of the forces were kept in and round the city of Albany, on both sides of the river, for the defence of that important place for your safety, and at all places by which the enemy can approach to it.

I was sensible that some other places ought to have been secured by erecting small forts in them; and I proposed to have done it, but as you absolutely refused to contribute to any other expense besides furnishing provisions for the new levies, I could not put the Crown to an expense, the charge of which you did not think necessary for your own safety.

I kept the Mohawk Indians (as I told you in my speech) from going out to hunt, and sent likewise among the other Five Nations to keep them in readiness to join us; one party of Indians are gone out, some other parties were some time since preparing to go; by these means I hope to force the French to keep some of those parties at home to defend themselves, by which they have so cruelly treated the inhabitants of our Frontiers; and this is done without any expense to this Province.

I sent Colonel Roberts to his Excellency, Governor Shirley, to consult and concert measures with him on what may be proper to be done, till such time as more particular directions should come from his Majesty. It gave me some pleasure to find that what I had projected for building a fort at the Carrying-Place, was thought so necessary for the ends for which I intended it, that some of the neighboring colonies appeared willing to contribute a share towards the expense; no one doubting that as the security of this Province is more immediately concerned, you would readily set a good example to the others. It was for that reason agreed that I should, in the first place, propose it to you; in doing this I avoided everything that I thought

could give any handle to renew the differences that had appeared last fall. What return I have had to all this care of the people of this Province, I shall leave to you their Representatives to judge, and to consider what the neighboring colonies must think on this occasion.

Your declining every expense that seems necessary for the security of the British Colonies in North America, and the well-being of this Province at this time, and the disrespectful behavior to me (such as was never shown to any Governor-in-Chief before me in this place) must give such conceptions to strangers, or to those unacquainted with the true state of affairs, that I am laid under a necessity, from the common justice which every man owes to himself, to speak out some things which otherwise I should have thought prudent to conceal, but more especially because any disrespect shown to me in my station must in the common acceptation of the world be taken as a disrespect to the fountain from whence I have the honor to derive my authority over this Province.

Gentlemen.—You cannot be ignorant that many in this Province, and all the neighboring colonies, are persuaded that the principal traders and the richest men in Albany do not wish well to the success of any expedition against Canada; and this from a view which a few men of considerable estates and influence by their family relations, have to their private advantage gained by a trade with Canada, and is always most advantageous in time of war with France, and which for the common good I have effectually stopped; I must therefore tell you that I am suspicious that all the difficulties I met with in my treating with the Indians and engaging them heartily in the war, arose chiefly from this source; for if these men could have prevented the Indians joining in the war, and could have prevailed on them to declare for a neutrality, they hoped to lay me under a necessity of falling into the same measures; for the same purpose, all the difficulties that could be contrived, without

an open declaration of their intentions, were laid in the way of every preparation that became necessary for the success of any enterprise against Canada; this scheme there is some reason to believe was in concert with the Governor of Canada, from a message which he sent to the Six Nations at the time of my last treaty with them, wherein he tells them that he took pity of their brethren at Albany, and would from that time turn his Indians from that place on their most inveterate enemies of New England.

It is no wonder that the poor people of the County of Albany, exposed to a merciless enemy, should with some pleasure entertain any scheme by which they could hope to be freed from such cruelties, though they be loyal subjects, and abhor the beneficial part of it by trade with the enemy; but I hope you have too much sense of your duty, and perception of the mischevious consequences of such a scheme, in any manner (now I have laid it open before you) to contribute toward the success of it. Surely you will with abhorence receive the thoughts of any design to enable the common enemy of the British nation and Protestant religion to overpower our own brethren, a part of our own nation, from a hope of private gain or temporary quiet to a few amongst us, when if the enemy should succeed any way by your means, your posterity must forever be sufferers.

You may likewise remember (as I am told) that before the last negro plot, and during this present war, information was given of several popish emissaries sent about in the Colonies to sow seeds of dissention, and to blow up every spark of discontent; it has been the constant practice of that treacherous religion to act so; and as they have too frequent opportunities, and too open a door for such vile practices in the British colonies, there is too much reason to suspect that they will not and have not omitted such a fair prospect of making us the instruments of our own ruin; they send men well skilled in all the weaknesses of human nature; they know how to work the several tempers of men

to their purpose; men of violent passions, or of desperate fortunes, or of wrong heads, have always been the tools of these cunning emissaries; and when such happen to become by any means popular, they have too often proved the most dangerous instruments to the destruction of the religion and liberty of their own country, without knowing that they are used as such; as is evident from several instances in the history of your mother country, and of other Nations; you may hereafter woefully blame yourselves for your fatal security. If you imagine no such thing can happen at this time in North America, consider only what has happened since the commencement of the present war with France; how the enemies of the liberty of mankind had the artifice to raise a most dangerous as well as unnatural rebellion in Scotland, and by the like artifices have brought confusion and dangerous revolutions into several courts in Europe; nothing has been so effectual for those purposes as raising jealousies among the people of their rulers and Governors by false reports and insinuations, which the low rank of mankind are too apt to receive, and though they discover that they have been deluded with a thousand false reports, they swallow the next of this kind with greediness.

You may learn from the public newspapers, what great armaments the enemy is making by sea, and that it is suspected that some part of it is designed against North America; let me conjure you then, Gentlemen, to take care of yourselves. Can it be imagined, that now, when your Mother Country is at such prodigious expense, both in men and money, to support the war, that you will omit anything in your power for your own safety, and annoyance of the common enemy?

Gentlemen.—After doing what I think at this time is incumbent on me, I return to the subject on which I began; with what truth can it be said that the new levies have remained hitherto unemployed, and for what purposes are insinuations thus publicly made of my neglect of my duty?

I assure you there is nothing in my power that I shall not cheerfully do for the security of the frontiers and to preserve the inhabitants from the incursions of the cruel and barbarous enemy; but then it depends upon you to enable me to do it to the purpose by contributing to the expense which must necessarily attend it.

Notwithstanding the oppositions which have been made to the measures which I thought necessary for his Majesty's service, I shall have the satisfaction to know that I have (to the utmost of my power) exerted myself for the welfare of this Province, and with these thoughts I remain easy.

After I shall know your resolution of taking care of yourselves at this time when I apprehend the Province may be in danger, I shall return an answer to your message of the 23rd instant.

G. CLINTON."

May 1. Transmitting a letter from Major Edward Collins at Albany, explaining the difficulty of forwarding the raising one hundred rangers unless they be allowed provisions by the country. (See note 4.)

May 2. Informing the Assembly that the disorders that had happened at Albany required the application of all his time to prevent the inconveniences that may arise from them, and suggesting that the Assembly adjourn to the 12th of May. The Assembly adjourned accordingly.

May 26. Replying to a long address from the Assembly, covering numerous questions of administration, the Governor informed the Assembly that the whole matter should be presented to the home government, to which he was responsible, and thereupon directed the Assembly to adjourn to the 2d of June.

June 2. Transmitting several papers relating to the present state and condition of the forces levied on the ex-

pedition against Canada, posted in the county of Albany, the Governor said:

"You cannot avoid seeing the importance of the papers which are now ordered to be laid before you; the safety of the people you represent is immediately concerned; it is needless therefore on this occasion to use any arguments with you to provide for their safety; you will see the opinion of his Majesty's Council thereon. I am ready to do everything that can in reason be expected of me, in pursuance of the advice which I have received.

I have already engaged my private fortune for his Majesty's service in this Province further than I think I was under any obligation to do; and I think every man in the Province is obliged as much as I am to contribute out of his private fortune for the safety of the people of it.

The Nine Thousand Pounds which I have already received on my bills shall all of it be applied to the payment of the new levies.

If you will not advance so much money as shall be further necessary on this occasion, I am ready to draw bills for any sum and at any rate of exchange, which shall be thought necessary and proper.

But at the same time, I must tell you that I insist on it that my family may be indemnified from whatever may happen on what I have done, or shall do, by advice of his Majesty's Council, in the payment of the forces levied on the expedition intended against Canada, and posted in the county of Albany; and I assure you I will, to the utmost of my power, solicit the payment of such bills.

If the safety of the people of this Province in their lives or estates does not deserve your taking this upon yourselves, I am not in the least apprehensive of incurring any blame on whatever shall happen; it remains then with you to provide against the evils which are threatened, and which cannot be prevented without your speedy and sufficient assistance in the manner at least that I am contented to take it.

Though I be under a necessity of laying these papers before you, yet the contents of them ought by no means to be made public.

G. CLINTON."

June 5. At the Governor's suggestion, the Assembly adjourned to the 15th, and was continued from that time by several adjournments until the 31st of July, when business was resumed.

July 31. Informing the Assembly that the supreme court was in session, and for that reason the Council could not attend him, and suggesting an adjournment to August 3.

August 4. The Governor sent the following message to the Assembly:

"As soon as I had received the letter from Governor Shirley, by express, a copy whereof I have now ordered to be laid before you, I advised with his Majesty's Council of this Province; and upon their taking the subject matter of that letter under their consideration, they were so much convinced of the importance of it, that they thought it incumbent on them, without delay, to form some plans for putting the forces now in this Province on action, in conjunction with those of Massachusetts Bay and Connecticut, in pursuance of what Governor Shirley purposes. The season of the year is already so far advanced, that there is no time for meeting of Commissioners in order to concert measures, to make estimates, and to agree on the quotas of the expense, which it may be thought reasonable for the several governments to bear, without rendering any attempt for this year impracticable.

The whole of the extraordinary expense, exclusive of provisions for the soldiers and Indians, for carrying the plan of operations to effect, is computed at fourteen thousand pounds.

The safety of the people of this Province is so immediately concerned in the success of the enterprises proposed, and in their being set on foot speedily, and prosecuted without delay, that I must earnestly recommend to you, to take such a share of that expense on yourselves, that the Massachusetts Bay, and Connecticut, may not hesitate, but be encouraged cheerfully to take the remainder upon themselves.[6]

I am persuaded that your constituents are so fully convinced of the necessity of something to be undertaken at this time, that any zeal shown for so necessary a work, by taking upon yourselves more than what in a just proportion may be thought proper on any other occasion, where there is time to adjust matters, will be agreeable to them; for unless the forces now at Albany be put on some action this season, it may not be in our power to employ them in the spring of the year, or afterwards.[7]

The Six United Nations of Indians are all hearty in our interest; I have the strongest assurances of their most vigorous assistance; and I have likewise hopes of the assistance of several other Indian nations, some of which were formerly in the strictest friendship with the French, but if we remain longer inactive, we shall certainly lose all esteem and interest among them, and give the French advantages with them, which you may greviously repent.

I shall lay nothing else at this time before you, that you may immediately deliberate and resolve on what share of the expense you shall thing proper to take, and to make provision for it accordingly, that I may at the same time I communicate the plan concerted here, impart resolutions to support it in the execution, without which it cannot have

[6] The Assembly adopted a resolution August 6th, agreeing to make the necessary appropriations to carry into execution, with other colonies, any well-concerted scheme for annoying the common enemy.

[7] The Assembly adopted a resolution August 6th, declining to make appropriations on uncertainties, and without a statement of the reasons for the appropriation.

that weight with the neighboring governments, necessary to induce them to join in it with that dispatch which the present emergency of affairs requires; neither can I, till your resolutions, and the resolutions of the neighboring governments, are known, give the directions necessary to have the Indians in readiness.

The governments of the Massachusetts Bay and Connecticut have already advanced considerable sums to encourage the Six Nations in their zeal for continuing their incursions and joining with us in any enterprise against the enemy.[8]

G. CLINTON."

August 25. The Governor received the following address from the Council, which he acknowledged with the assurance that the matters contained in it should receive his prompt and earnest consideration:

"We, his Majesty's most dutiful and loyal subjects, the members of his Majesty's Council for the Province of New York, beg leave to lay before your Excellency the present dangerous state we apprehend the City of Albany to be in.

Your Excellency cannot but be sensible that the preservation of the County of Albany, and of a great part of this Province, the fidelity of the Indian Nations (and we may add) in its consequences the security of a great part of the neighboring Provinces, does chiefly depend upon the preservation of that city: We were therefore deeply affected with the late accounts received from thence, that the new levies which had been posted to the northward of the

[8] The Assembly passed a resolution August 6th, expressing the opinion that New York had already contributed more for presents to the Indians than Massachusetts and Connecticut together. The Assembly did not suggest that any further appropriation for this purpose would be forthcoming. By another resolution adopted the same day, the Assembly expressed the opinion that as between New York, Massachusetts and Connecticut, New York should not bear more than one-third of the expense of the expedition, and that governments to the westward should also bear a share of the expense.

city of Albany, had been all withdrawn from thence, (except one company of about 70 or 80 men left at the Mills, a short miles distance from Albany) and encamped at Greenbush below the city and on the opposite side of the river. Greatly alarmed at this report and being informed that Mr. Collins, Town Major of Albany, and Mr. Cuyler, late Mayor of that City, were in this Town, we sent for and examined them upon their oaths, and they confirmed the truth of this report. As this step appeared to us to be of dangerous consequence to his Majesty's service as so evidently to hazard the loss of the city of Albany we thought we would not discharge the duty we owe to his Majesty and to our country if on this occasion we should be any longer silent.

We are therefore constrained by the dangers we apprehend ourselves exposed to, to have recourse to your Excellency, and to lay before you some facts, such as either consist with our own knowledge, or we received upon the oaths of the Gentlemen we examined.

The City of Albany is situated on the west side of Hudson's River; the town of Schenectady is also on the same side of that river, at about sixteen miles distance; the Fort at Saraghtoga is at about thirty-six miles distance, to the northward of Albany; Greenbush, where the levies are encamped, is on the east side of Hudson's River, at about a miles distance below Albany, where the river is about the third part of a mile wide, and not fordable, being of depth sufficient for large vessels.

Upon these facts we must observe to your Excellency, that the levies encamped at Greenbush cannot march to the assistance of Albany or Schenectady, or to the relief of Saraghtoga Fort, without first crossing the river below Albany, and should the enemy make an attempt upon Albany or Schenectady, we must leave it to your Excellency's own reflection to consider what delays and confusion would attend the passage of troops, not very orderly and many of

them scarce half disciplined; and how far such an unnecessary delay would hazard the loss of those places, should they be suddenly attacked; and since the levies are encamped on the east side of Hudson's River (except that handful at the Mills) and there are no inhabitants to the northward, all that part of the country being lost, except the Fort at Saraghtoga; what is there to hinder or molest the French and their Indians from coming with the greatest confidence and security near the City of Albany, and watching an opportunity to surprise it.

It was with great concern and grief that we heard of the distressed and deplorable circumstances of the inhabitants of the City of Albany; the whole number of men able to bear arms, even including the grayheads of seventy and upwards, does not exceed three hundred; they are obliged to do duty on the guard every fourth night, sometimes oftener, without distinction of age or persons; so that even the Judge of the Court of Common Pleas for the County, a very ancient man, is obliged to take his turn; and yet notwithstanding this great fatigue upon the inhabitants, they have had no assistance or ease from the new levies.

We beg leave to acquaint your Excellency, that we are justly apprehensive that these difficulties and discouragements may induce such of them as can support themselves elsewhere to leave the city, and thereby render it weaker and more exposed to danger and ruin.

SIR.—At this distance from his most sacred Majesty, we cannot lay before him for immediate relief the deplorable circumstances of our country; from whose paternal care of all his faithful subjects, (and such with truth we may call ourselves from our known loyalty to his Majesty and affection to his illustrious House) we could not fail of assistance.

At this distance therefore we apply to your Excellency, and we flatter ourselves that upon the few considerations which we have laid before you, and the reflections which

your own judgment may suggest to you, your Excellency will be pleased to give your orders for posting such a number of the new levies (until his Majesty shall dispose of them otherwise) to the northward of the City of Albany in such places as your Excellency shall think most convenient for its protection and security, and to keep the enemy at a greater distance; and we pray the God of Heaven to touch your Excellency's heart with compassion to the distressed inhabitants of the City of Albany, that by posting some of the levies in that city, the inhabitants may be partly eased of the heavy duty they undergo, and be induced to continue in the city for its strength and defence; and we are humbly of the opinion that those companies of levies which were raised in and about the City would be most proper for that purpose."

August 25. Transmitting a letter from Governor Shirley, relating to the expense attending bringing a considerable number of English prisoners by a French flag of truce from Canada to Boston, and other papers relating to the exchange of prisoners.[9]

August 31. The Governor sent the following message to the Assembly:

"I must now acquaint you that I can no longer continue the expense which I have undertaken at the charge of the Crown, in supplying with provision, the four Independent Companies of fusileers posted at Albany, and the levies made in the southern colonies for the expedition against Canada; neither can I longer continue the expense (which I undertook at the charge of the Crown) for preserving the fidelity of the Six United Indian Nations, and other Indian Nations in amity with us; and in sending out parties of Indians in annoyance of the enemy, and for intelligence; any failure in the provisions, or want of necessary supplies for the Indians, may occasion disorders of the worst consequences.

[9] The Assembly, August 25th, adopted a resolution to provide for the expense incurred in returning the English prisoners belonging to New York.

I therefore recommend to you to find the necessary supplies for these purposes for two months; before the expiration of which time, I hope to be able to let you know his Majesty's pleasure in relation to the forces now at Albany, which I cannot at present do, till Mr. Shirley and Mr. Knowles shall have consulted together on the subject matter of some dispatches (lately arrived) from his Grace the Duke of Newcastle, and shall have advised me thereon; I hope, likewise, by that time to inform you whether any of the neighboring governments be willing to contribute towards any of these expenses.

Col. Johnson, the contractor for supplying the garrison of Oswego with provisions, informs me that since the incursion on Burnet's Field by the enemy, he has been obliged to pay double the money for transporting provisions to that garrison that has been usual, and that he cannot for the future transport provision thither without a good guard to escort them.

The expense attending the relief of the garrison at Saraghtoga, and transporting provisions to that Fort, cannot be continued any longer at the expense of the Crown; you must, therefore, provide in time for these expenses; and especially, for the security of the garrison at Oswego, which, under the difficulties which may attend the sending provision and reliefs to that important place, deserves your serious attention at this time.

You will find by an extract of a letter from Col. Johnson, of the 19th instant, that he was to set out as on Tuesday last, at the head of a considerable body of Christians and Indians, in quest of a body of French and Indians (discovered by his parties) between Saraghtoga and Crown Point; as soon as I shall hear of his return, I shall require his attendance at this place, in order that we may be fully informed of the state of the Indian Affairs; if the exigency of those affairs at that time will permit him to be absent from the Indians.

G. CLINTON."

September 1. Transmitting a letter from Col. William Johnson dated at Mount Johnson August 28, relating to an enterprise that he was going upon towards Lake Sacrament, with a considerable body of Christians and Indians in quest of a large party of the enemy.

September 10. The Assembly adopted a series of resolutions on the 2d, in effect declining to accede to the Governor's demand for additional supplies as set forth in his message of August 31st, whereupon the Governor on the 10th, sent the following message to the Assembly:

"Your resolves of the 2d of this month, in answer to my message of the 28th [31st] of the last month, and which were communicated to me by order of the House, truly give me the greatest concern for the safety of the people of this Province; and the regard I owe to his Majesty's service makes it necessary to reiterate the demands I then made of supplies, though it be contrary to custom to do it in the same session.

Your refusing to bear the charge of transporting the provisions, and of the reliefs that are necessary for any of the out garrisons, puts me under the necessity of withdrawing the garrisons, and particularly the garrison and warlike stores from Saraghtoga, or of suffering them to be deserted; and your refusing to be at the charge of a guard to send the provisions to Oswego, renders the supply of that garrison impracticable; in which case, it must fall into the enemy's hands.

You well know in what temper and disposition the Six United Nations of Indians were before my treaty with them last year; the Commissioners for Indian Affairs gave repeated advice of their unwillingness to enter into the war against the French; many of them had actually gone over to assist the French, and the fidelity of all of them became suspected; the success of my treaty with them was so unexpected, that it is also well known with what reluctance any account of it was received, and that all manner of

doubts were encouraged and propagated till the effects of their incursions on the enemy appeared in this City; after this, the number of those gained heartily to the British interest were with great assiduity everywhere represented to be very small; which at the same time the numbers of the disaffected were as industriously magnified till the great numbers of Indians who have joined Col. Johnson with the greatest alacrity in his enterprise at this time against a body of the enemy discovered by his parties in Lake Sacrament, from whence the enemy send out great parties to murder cruelly the inhabitants of this Province; and it has evidently discovered the falsity of all these reports, and gives you an opportunity to reflect for what purposes these reports have been so industriously propagated to the prejudice of the British interest.

The Crown has been at a very great expense in recovering the affections of the Indians; the people of Great Britain are now at a greater expense of treasure, in defending the liberties of Europe, than ever they were at any time since they were a nation; the King then must expect that you will be at the expense necessary for the safety of the people you represent in preserving the affection of the Indians, which otherwise must be lost.

My concern therefore for the welfare and safety of the people, whom our most gracious Sovereign has committed to my care, makes me again insist that you provide for the necessary services which I recommended to you in my message, for two months at least; after which we have reason to hope the neighboring colonies will join in the mutual defence of the frontiers and concert proper measures for effectual annoyance of the enemy. If you continue to refuse this, consider that you may thereby expose yourselves to the displeasure of your King, and perhaps to the resentment of your Mother Country; at least you must take upon yourselves the blame of all misfortunes that may happen thereby to the people of this Province; nothing in my power

shall be wanting for their defence and security, or for annoyance of the enemy; but if you deny me the necessary supplies, all my endeavors must become ineffectual and fruitless; I must wash my hands and leave at your doors the blood of the innocent people that may be shed by a cruel and merciless enemy.

Unless the affection and fidelity of the Indians be effectually secured, it will be impracticable to preserve the garrison at Saraghtoga, and therefore I cannot resolve on a relief of that garrison till you have given a proper answer to this.

G. CLINTON."

September 11. The Assembly requested the Governor to take vigorous measures for the relief of the garrison at Saratoga, but he did not reply to its request. The request was renewed with the assurance that the Assembly would not only make allowance for supplying the relieving force with provisions, but also provide for the expense of transporting such provisions to the said Fort.

September 17. By the Governor's direction, the Assembly adjourned to the 22d.

September 22. After publishing certain laws the Governor prorogued the Assembly to the 29th inst.

1747. SEPTEMBER. TWENTY-FOURTH ASSEMBLY, SIXTH SESSION.

GEORGE CLINTON, Governor.

The Assembly met on the 29th of September, but transacted no business until the 6th of October, when the Governor sent to both Houses the following

MESSAGE.

GENTLEMEN OF THE COUNCIL.—I now lay before you an agrement entered into by the Commissioners of this Province, of Massachusetts Bay and Connecticut, wherein

your consent is necessary so far as relates to the supplies to be granted for defraying that share of the expense which this Province is to undertake.

You will see by that agreement that this Province is to have a certain number of men in readiness for action, by a day limited in that agreement; you are to grant the necessary supplies for raising and paying them and all other incidental charges that must accrue on the plan concerted by those commissioners, except guns, ammunition, batteaux, tents and other utensils, which I have prepared at the expense of the Crown and now remain fit for service, and which I told the commissioners shall be reserved for that purpose.[1]

But you will observe by that agreement that nothing is concerted for the security of the frontiers of this Province, or for the safety of the inhabitants thereof, though the doing of this was recommended by me to the commissioners of this Province in the strongest terms I could conceive. It remains then with you to take care of your constituents by granting the supplies necessary for that end.

Neither have the commissioners concerted any method for preserving the Indians in the good disposition they now are in, and which I think of the greatest consequence to the safety of the people. Before my treaty with the Six Nations last year, they were so far from being hearty in entering into the war against the French that the greatest number of them were in the French interest. They had frequent treaties with the Governor of Canada, and some of them had actually joined in the war against us. They have since that given evident proofs of an alteration of their disposition in our favor; such proofs as will not admit of any dispute, of their being heartily engaged in our interest, and willing to hazard their lives with us in any

[1] The Assembly on the 8th of October approved the report of September 28, 1747, made by the commissioners from New York, Massachusetts, and Connecticut relative to military operations against the French.

enterprise against our common enemy. At the same time we have too much reason to fear that the many disappointments the Indians have met with in the hopes given them of attacking Canada both by sea and land (and which have failed by incidents not in our power to prevent) may occasion many distrusts and jealousies among them, and which may prove highly prejudicial to the people of this Province and favorable to a cruel and merciless enemy, to whom the frontiers of this Province for a large extent of country to the westward as well as northward, are too evidently exposed, and which, without the assistance of the Six United Nations, cannot so easily, and with so much security, be defended.

I have at a very great expense to the Crown recovered the affections of the Six United Indian Nations, and hitherto preserved them in their fidelity. I have likewise induced them to be assiduous in drawing in their allies and dependants into the same good dispositions with themselves, and who consist of numerous nations, and who can be of the greatest service in distressing the enemy, but I can and will no longer continue this charge on the Crown. The preserving the fidelity of the Indians can in the expense occasioned thereby bear but a small proportion to the charge of recovering and hitherto preserving their affections and fidelity and of keeping them always in readiness and parties in action; and therefore, I cannot doubt of your contributing on your part to so small a proportion as is necessary at this time for the safety and security of the people of this Province, and who I am well assured will cheerfully bear any tax or imposition that is so expedient for their own safety. When it is considered what a load of taxes and impositions the people of Great Britain cheerfully bear for the preservation of the liberties of Europe, it cannot be expected that they will bear with patience the refusal of their colonies to take upon themselves that expense which is necessary for their own safety, especially

when what may be saved from superfluities will be more than sufficient for all the means proposed for this purpose.[2]

The securing the garrison at Oswego on all events is a matter of the greatest consequence for preserving the fidelity of the Indians, and deserves your serious consideration in order to give the necessary supplies for that purpose, and unless you likewise secure the Indians by building forts, one at least in every Nation, they must be wavering in their resolutions, since if this be neglected, they may suspect that we have no regard to their safety, but only to employ them for our own benefit.[3]

At the same time I shall with great pleasure think of and concur in every method to make this necessary expense as easy as possible to all, but especially to those who are least able to bear it, I mean the laboring and industrious part of the inhabitants; with this view of saving expense, I propose to you to take the forces levied on the expedition intended against Canada into the pay of this Province with provisions, on the same footing they would have been had they continued in the King's pay. Considering how far the number of men in these forces and now in the county of Albany is lessened by death and desertion, the whole will not amount to more than the number of men which by the agreement now laid before you will be requisite in a little time to be levied in this Province for the purposes mentioned in that agreement; without taking this method it may be a question whether the necessary levies can be made when immediately wanted, and if they can be made, yet in all probability the expense of doing it will be greater than the charge of continuing these troops in pay for the time proposed. At the same time I must tell you that unless this method be taken for continuing the forces at Albany the

2 The Assembly, by a resolution adopted October 8th, recommended liberal presents to the Indians.

3 The Assembly on the 8th of October adopted resolutions recommending the maintenance of the garrison at Oswego and the erection of forts in the Indian country.

frontiers must this winter be deprived of that defence which they may have by continuing them, and in that case I know of no method to secure the frontiers but by making large detachments of the militia from the several counties of the Province for that service, and it must be done if you do not agree to the other method, notwithstanding that I think it will be every way more chargeable and burdensome to all the inhabitants and less effectual; in order to lessen the expense of keeping up the new levies, I shall reduce the number of companies so that the number of men in each company be brought up to that of their first establishment, and when that is done the whole of what then can remain will be no more that what is expedient for the defence of the frontiers.[4]

Though I think it absolutely necessary for you at this time to take the whole charge of the Indians as well as of securing the frontiers upon yourselves, I shall use my best endeavors by such application as I shall think most effectual, to persuade the colonies to the southward as far as Virginia to contribute a reasonable proportion towards the encouragement and support of the Indians, and defence of the frontiers, as well as in joining in any enterprise against the enemy, which shall be thought proper; or if they cannot be thus persuaded, I shall use my best endeavors to obtain such royal injunctions as shall be effectual for that purpose.

As to your taking upon you at this time the whole necessary expense of the Indians, I must inform you that at my last treaty with the Six United Nations, the governments of Virginia and of the Massachusetts Bay sent considerable presents to the Indians. The Massachusetts Bay have since that sent presents to the value of at least one thousand pounds, New York currency; and Connecticut about three

[4] The Assembly on the 8th of October recommended the retention at Albany of a part of the King's troops about to be discharged for service there during the winter.

hundred pounds value in the same money. This government gave no presents at that treaty, nor have they at any time since been at any expense on account of the Indians, and therefore you have now the more reason to advance what is absolutely necessary for your own safety for some time till the neighboring colonies be brought to contribute their just proportion of that expense.

There is nothing in my power which I will not cheerfully do for the welfare of this Province and safety of the people his Majesty has committed to my care. I have given as strong proofs of this as any Governor ever did before me; I shall likewise use my endeavors that whatever you may give for these ends shall be as frugally managed as possible, and that all satisfaction be given you for that purpose, either by accounts or otherwise so far as can be desired.

You will see by the agreement herewith sent you that the approbation of the several governments must be transmitted to the others as soon as possible. The season of the year makes it necessary to provide immediately for the clothing of the forces at Albany, if they are to be continued there at your expense.

If I be not enabled to send an account to Mr. Shirley and Mr. Knowles of your resolutions in respect to the retaining the forces at Albany speedily, perhaps it may come too late, or be a prejudice to his Majesty's service in other parts.

The sachems of the Six Indian Nations and others who came down with Col. Johnson (whose name I cannot mention without grateful remembrance of the services he has done his country) now wait for your resolutions, and my answer thereon; and though they are impatient to be gone, I cannot suffer them to go without giving them encouragement by proper presents and assurances, in order to dispel any jealousies they may have conceived by reason of their disappointment in the expeditions having been so long delayed; and I cannot give these assurances till I know your resolution of supporting the necessary expense that attends the reserving the friendship of the Indians. (See Note 2.)

The sachems say they will not stay beyond two days; and if they go away discontented, I know not of what bad consequence it may be, and surely it can produce no good. These things altogether make it necessary for you to resolve speedily, and therefore I shall lay nothing before you at this time till I know your resolutions thereon; and I must require your speedy answer on the several heads now recommended to you. I shall order some other papers to be laid before you for your better information in these matters.

G. CLINTON.

On the same day the Governor transmitted to both Houses the report of an agreement between the commissioners representing New York, Massachusetts and Connecticut. The report bears date September 28, 1747, and considered the following subjects:

1. An expedition against Crown Point.
2. The enlistment of four thousand men, besides Indians and their allies. All forces to be at Albany by the 15th of April, 1748, ready to march.
3. That each Indian taking part in the expedition be equipped with necessaries to the value of five pounds New York currency, "and be assured of a present of the like value on their return in case of success."
4. Gunsmiths were also to be assigned to the Oneidas, Onondagas, Cayugas and Senecas. An appropriation of three hundred sixty pounds was to be made for supplies to the Indians, of which Massachusetts was to contribute nine-twentieths, New York eight-twentieths, and Connecticut three-twentieths, but these proportions were not to be used as a precedent on subsequent occasions.
5. The agreement contained detailed provisions relative to the enlistment of troops and their subsistence.
6. The expedition was to be under the command of three general officers, to be appointed by the Governors of the three colonies.

7. A committee representing the different colonies was to meet at Middletown in December, for the purpose of completing arrangements for the expedition.

8. Application was to be made to the Governors of the other American colonies from Virginia to New Hampshire, "to join according and in proportion to their abilities in this common undertaking against his Majesty's enemies, and to unite with these governments in the mutual defence and security of his Majesty's colonies on the continent in North America," and to send representatives to the Middletown meeting.

9. That application be made to the King to send a naval force to the St. Lawrence River, for the purpose of reducing that part of Canada.

10. If any other colony should decline to unite with Massachusetts, New York and Connecticut in the proposed movement, application was to be made to the King to command any such colony to join in the expedition.

11. If the King should not send a naval force to the St. Lawrence, the colonies were to send to that river as many ships as could be obtained, and were also to send an expedition to Canada by land.

12. New York was to admit free of duty any vessels or stores intended for the expedition.

13. If the expedition against Crown Point or against Canada should not be undertaken as planned, a force of scouts and rangers was to be maintained along the border at the joint expense of the contracting colonies, and of other colonies which might furnish men for that purpose.

14. Any colony separately attacked was to give notice thereof to the other colonies, and each colony was to communicate to the others any intelligence of an intended invasion or of approaching danger.

15. The Legislature in each of the contracting colonies was requested to ratify the agreement.

16. An earnest appeal was made to other colonies for assistance.

17. No part of the agreement was to be in force unless ratified by all the contracting colonies.

On the same day the Governor transmitted to the Assembly a copy of the speech made by seven sachems of the Six Nations and other Indians on Saturday, the 26th of September. The records do not contain a copy of this speech. The Governor also transmitted an examination of Col. William Johnson relative to the condition of the Six Nations.

SPECIAL MESSAGES.

October 8. The Assembly on this day adopted a series of resolutions relating to public affairs, and directed that they be communicated to the Governor. These resolutions approved the foregoing agreement entered into between Massachusetts, New York and Connecticut, recommended that provision be made for the security of the northern frontier, that a proper present be made to the "eight sachems of the Indian Nations now in the city of New York," that an additional sum of eight hundred pounds be appropriated for the purpose of securing the fidelity of the Indians, that the usual provision be made for the garrison posted at the fort and trading house at Oswego; that, if it be found necessary and other colonies would assist, forts be erected at proper places among the Indian nations "to be for places of retreat and security for the wives and children of the Indians when the men shall be gone out upon any warlike enterprise for the annoyance of the common enemy," that if troops on the northern frontiers should be discharged from the King's pay, enough of them be retained at the expense of the colony, properly to guard the northern frontier during the ensuing winter; and that provision be made for the relief and preservation of the garrison at Saratoga.

To these resolutions the Governor sent the following reply:

"By your votes I understand you are going upon things very foreign to what I recommended to you: I will receive nothing from you at this critical juncture, but what relates to the message I last sent you, viz. By all means, immediately to take the preservation of your frontiers, and the fidelity of the Indians into consideration. The loss of a day may have fatal consequences; when that is over, you may have time enough to go upon any other matters."

The next day the Assembly, with the door locked and the key on the table, adopted the following resolutions:

"That it is the undoubted right and privilege of this House, to proceed upon all such matters as are proper subjects for their consideration, in such order, method, and manner, as to them shall seem most convenient and conducive to the interest and welfare of the people they represent.

That any attempt to direct or prescribe to this House, the order, method, or manner in which they are to proceed in their considerations on the public affairs of the colony, is a manifest breach of the undoubted rights and privileges of this House, and of the people they represent.

That his Excellency's declaring that he will receive nothing from this House at this time but what relates to his message of the 6th inst., is irregular and unprecedented, and manifestly tends to the subversion of the rights, liberties and privileges of this House, and of the people they represent.

That whoever advised his Excellency to send this message, has attempted to undermine and infringe the rights and privileges of this House; to violate the liberties of the people; to subvert the constitution of this colony; and is an enemy to the inhabitants thereof."

October 9. The Assembly presented to the Governor a long remonstrance, setting forth in detail various circumstances relating to the condition of the colony, and which it was believed demanded immediate attention, reciting among other things that the colony had been put to the

expense of near seventy thousand pounds since the beginning of the French war. The committee who waited on the Governor with this remonstrance reported to the Assembly that he would neither suffer them to read it, nor leave it with him.

October 13. The Governor sent the following communication to the Assembly:

"I have the pleasure to perceive from the first of your resolves of the 8th instant, communicated to me by order of your House, that the scheme concerted by the Commissioners of this Colony with those of Massachusetts Bay and Connecticut, has received so ready an approbation; since it differs in nothing material from the plan which I told you in my speech of the 17th of October, last year, I had concerted with Mr. Shirley and Mr. Warren at that time; but that then the scheme which I concerted was to be put in execution principally at the charge of the Crown; whereas this must be entirely at the charge of these colonies, and that the execution of mine did not depend upon so many uncertainties as this must do.

Before the meeting of these Commissioners I had likewise the pleasure to see that the plan which I had concerted for the security of the Frontiers before I left Albany last year, and which was communicated to the Council of this Province, was so far lately approved of by the Council, that it was unanimously made an instruction to the Commissioners of this Province, to endeavor by all means to have one or more forts built at the Carrying Place, at the joint charge of these colonies, for the security of the frontiers, which is the very same thing I intended to have done last year at the charge of the Crown, when the execution of it was so far retarded by your Commissioners withholding the Provisions, and other disappointments, that it became impracticable in that season, and the continuance of the same clogs upon the provisions by your acts has rendered it impracticable at any time since.

I am at a loss to conceive what can be meant by the following words in your fourth resolve, viz. 'That the Committee is persuaded that his Majesty's orders to his Excellency, with respect to Indian presents, are still subsisting;' if you mean that I have not fully executed his Majesty's orders, but that something still remains to be done, or that his Majesty has not determined his orders, I must ask you who persuaded you to think so? What evidence have you now before your House, to persuade you that either I have not fully executed his Majesty's orders, or that he has not determined them? Was ever his Majesty's pleasure communicated to any Assembly of this Province, otherwise than by the Governor? Can it be imagined, that any Governor in his senses would avowedly and publicly declare anything to be his Majesty's pleasure, which really was not so, or in the most solemn manner refuse to do anything which his Majesty had ordered him to do? But to proceed, no man need to be at any loss to perceive the view and purpose of the following words of this Resolve, viz. 'And though by several informations it appears that his Excellency has the summer last past, made large draughts on the Crown, on the head of Indian affairs, and no disposition thereof for that purpose, has yet been heard of.'

Now, Gentlemen, I will venture to say that notwithstanding of your asserting this in such strong terms, you know that not one word of it is truth, for though it may be true that I have made large draughts on the Crown, yet this could not appear to you as a House, by any information, because you in that capacity had no information of it, for which I appeal to your own minutes, though some of you may know something of it as merchants, yet the far greatest number of you know nothing of it, but by a blind faith in their leaders. How can it be said that no disposition of any money I have received on these draughts has been heard of? This is as bold a falsehood as ever came from

any body of men. You assert that no person has heard of such disposition; it is impossible for you to know this otherwise than by full proof before you that none of that money was disposed of, or that it still remains in my hands; and of this you have not the least appearance of evidence, while you thus endeavor to throw so gross a slander on your Governor's character. On the contrary, I may ask whether there be any person of the least note or curiosity in this country, who has not heard of several parties of Indians, sent out at several times against Canada, last summer and since, and of no less than 600 men marching at one time, and that very considerable numbers of Indians have been from time to time clothed and armed, and constantly found with provisions, and that several persons, both whites and Indians, have been sent among the distant Nations with presents to engage them in our interest, and to bring their fighting men to us, and messages have been continually passing back and forward on these and such like occasions.

Let me ask you, whether this Province has paid one farthing of any expense upon these occasions? For you must know it; and if this Province did not, who did pay all this great expense? If I did not, nay tell me who was capable of doing it without making large draughts for it?

It is well known how difficult it was before the treaty I had last year at Albany, to get a dozen or a score of Indians to go out to scout, and what a charge these small numbers cost; and now Col. Johnson engages to bring a 1000 or more together upon any reasonable notice. It appears from Mr. Johnson's examination, taken before a Committee of the Council, and communicated by me to you, at the time my message was sent, that the far greatest number of sachems were in the French interest; and they had received belts from the Governor of Canada; that since I employed that Gentlemen, in consequence of the promises they had made me, they had given up these belts, and were entered heartily into the war against Canada; and that many

numerous Indian nations, living at so great a distance from us, whose names are but lately known to us, are now courting our friendship, and ready to declare against the French. Can any man in his senses imagine that all these things could be done without a large expense of money? But, Gentlemen, as to whatever sums I received by these draughts, I am in no sense accountable to you, since none of it was given by you, neither are you judges of the disposition of it, nor if any accounts of the disposition were laid before you, can you give a discharge or acquittance for a single penny of it; and therefore, you have not anything to do with it.

The making Peace and War, treating with foreign Nations, and all the executive parts of government, are indisputed parts of the King's prerogative; and at last before you conclude your resolves, you discover for what purpose this vile slander is thrown upon your Governor, with no less view than to wrest his Majesty's authority out of the hands of his Governor, and to place it in the hands of the men with whom you propose to deposit the money; for since nothing can be done without money, then the Governor cannot do anything with the Indians, but at the pleasure of these men with whom the money is deposited, and by that means you, or rather a faction among you, become the Governors of both Governor and Indians.

Your 5th resolve shows how little you consider the danger of the garrison at Oswego at this time, and the difficulties that may attend the sending any relief, or the necessary provisions thither.

Your zeal for encouraging the Indians, in prosecuting the war against Canada, I am sorry to see in what manner it appears, by your 6th resolve; when the Indians of the Six Nations declared war against the French last year at Albany, they made it a condition that while their young men were out fighting our battles for us, the old men, women and children, should be taken care of by us, and protected,

and for that purpose desired to have one or two places fortified at our expense in each Nation. This in itself appeared so reasonable, that I believe no man in his senses can think it ought to have been refused; and if I had refused it, and thereupon the Indians had declined joining us in the war, you would not have failed to blame me; what regard you have to the honor of this Government, and justice to the Indians, appears from this Resolve; when to show your thankfulness to the Indians, who have exposed their lives, and are ready again to expose their lives, in defence of the people of this Province, and when they desire assistance from us, for the safety of their old men, women and children, you, Gentlemen, in effect say we will take no more care of you than those will who live many hundred miles from you, and never received any immediate defence from you; and if they will not, we will not.

Pray, Gentlemen, from whence do you expect certain and undoubted advice that the forces at Albany are to be discharged from his Majesty's pay? Did you, or any Assembly, receive any orders or advice directly from his Majesty or his Ministers, or otherwise than from the Governor of this Province? The Forces at Albany are under my command only, and you never will know anything of his Majesty's pleasure about these forces, but from me, or from my successor. This resolve seems a very forced introduction of a very modest claim of the command of the army, under the title of regulations. But, Gentlemen, I can tell you that while you are thus in vain misspending the time, in making regulations of his Majesty's forces, which ought to be employed in making provision for the safety of the inhabitants of this Province, you will soon have none of these forces at Albany to make any regulations about them, if you do not accept of them under such regulations as his Majesty thinks proper; and this you can only know from me, and you must accept of them on the footing I proposed, or not accept of them at all. His Majesty will not

part with the least branch of his prerogative relating to Military Affairs; nor dare I, nor will I, give up the least branch of it on any consideration, however desirous you may be to share in it, or to have the whole command.

And to put this your claim of the command of the army out of dispute, you send your orders next to me, relating to the Fort at Saraghtoga; and this you do at a time when some of you at least know that though I heartily inclined to do all that you now desire of me, it is at this time impracticable.

The design of these resolves will too evidently appear to all considerate men to be no other than by raising a most unreasonable clamour against me, for what was not in my power to prevent; to throw an unjust odium on my administration, when at the same time what may have happened is principally occasioned by the unreasonable opposition you have made to all reasonable measures which were concerted to prevent it.

You have not by the constitution of the government any share in the execution of military orders; you are not from the nature of things, capable of judging of these matters, because you cannot pretend to that knowledge or skill, that is necessary for this service; neither can you have sufficient information to know what is proper on the several events which may arise every day in military affairs.

I formerly told you that the frontiers of this Province could not be secured by that fort, so as in any manner to prevent the incursions of the enemy; and in this, I have the unanimous consent of all who are capable of judging, and who have sufficient information to judge; and what has happened to that fort, I forewarned you of in my former messages, was likely to happen, unless you gave me proper assistance to preserve it; which you have not done; It has occasioned a heavy expense to the Crown, in the reliefs that became too frequently necessary; nothing has caused so much dissatisfaction among the soldiers, as their being

sent to that garrison; and more lives have been lost by its disadvantageous situation, than by any other cause since the commencement of the war. It was at first placed there by commissioners recommended to me by the Council, as the properest persons to be intrusted; who, as has been since discovered, had not the public benefit in view, but to preserve some quantities of wheat, their own property, and then growing.

No reason can be assigned for continuing a garrison in that place, but as it is a step towards Canada, in case the expedition had gone on this summer, and because some of the warlike stores for that expedition were lodged there, and that the withdrawing an advanced post might give discouragement to the Indians our Friends; but when it could not be longer maintained without hazarding a total dissolution of the forces at Albany, and the loss of the cannon and stores lodged there, it became absolutely necessary to withdraw the cannon and stores, and to prevent the enemy's taking an advantage of these misfortunes, and which were in a great measure occasioned by your behavior, in opposition to the measures I had taken, and represented to you as necessary for securing that post. I must leave it to his Majesty's ministers to judge whether I have not done every thing incumbent on me, or in my power, on this occasion; and to judge whether you have done your duty for his Majesty's service, and the safety of the people whom you represent.

Finding by the minutes of your proceedings since the last prorogation, that you were going upon numerous matters and bills, some of them of small weight and consequence at this time, when I think the Province to be in the greatest danger; and when I thought all things ought to be postponed to the consideration of the subject matter of the message I sent you the first day of your meeting, for securing the frontiers, and the lives and estates of the inhabitants of this Province; I sent the message the 8th of this

month, to incite you to proceed on the subject matter of that first message, without delay; and for that purpose, I told you, that I would receive nothing from you on any other subject, till I should know your resolutions as to the securing the frontiers, and the safety of the Province, after which you may have time enough to consider anything else which you may think proper.

The next day after you received this message you ordered the doors to be locked and the key to be laid on the table: For what purpose was this farce acted on this occasion? Was there any appearance of any person without doors, attempting to break in upon you? Or, did any of your own members seem willing to run away? I am well assured that was not the case! Was it then to assume a power to shut me out, that I might not have access to you by message, or otherwise? If so, the doing of it is a high insult on his Majesty's authority, and a withdrawing of your allegiance for that time.

But, Gentlemen, wherein by this message did I encroach upon your undoubted rights and privileges? I told you what I would do, or not do, myself; that is, I would receive nothing from you till I knew your resolutions for securing the Province. I imposed nothing on you but that message; have not I liberty to act, as well as you? And may I not complain of any encroachment upon my liberty and authority, as well as any other subject or officer of the King?

Consider, Gentlemen, by what authority you sit, and act as the General Assembly of this Province! I know of none but by the authority of the King's Commission and instructions to me, which are alterable at his Majesty's pleasure. You seem to place it upon the same foundation with the House of Commons of Great Britain; and if I mistake not, you, by the resolves of the 9th of this month, assume all the privileges and rights of the House of Commons of Great Britain; if so, you assume a right to be a branch of the Legislature of the Kingdom, and deny your

dependence and subjection on the Crown and Parliament. If you have not the rights of the House of Commons of Great Britain, then the giver of the authority by which you act, has or can put bounds and limitations upon your rights and privileges, and alter them at pleasure; and has a power to restrain you when you endeavor to transgress; and I must now tell you, that I have his Majesty's express commands, not to suffer you to bring some matters into your House, or to debate upon them; and for that reason, the custom has been long established of the Clerk of your House to show every day to the Governor the minutes of the proceedings of your House; and it is an undutiful behavior to keep anything secret from me that is under your consideration.

In short, Gentlemen, I must likewise tell you, that every branch of the Legislature of this Province, and all of them together, may be criminal in the eye of the law; and there is a power able to punish you, and that will punish you, if you provoke that power to do it by your misbehavior, otherwise you must think yourselves independent of the Crown of Great Britain. But before I conclude on the head of these extraordinary resolves, I cannot but take notice of that unmannerly method taken up by you members of the present Assembly, of ordering me to be served from time to time with copies of your resolutions. This is a method no way warranted by any practice in parliament, (whose practice you think ought to be the rule of your conduct) it is highly disrespectful to that authority which his Majesty has placed in me, and is an assuming in some sense an authority over me, and a direction of my conduct. For what purpose else can this be done, since without this, by a practice established ever since the General Assembly sat in this Province, the proceedings thereof are daily communicated to the Governor; and in pursuance of his Majesty's commands, all your proceedings ought to be communicated, that the Governor may put a stop to them, when they become disorderly or undutiful to his Majesty, or perhaps criminal.

This leads me to consider a most indiscreet behavior of some of the members of your House, who in a quarter of an hour after I was served with the copy of your said resolves of the 9th instant, came into an apartment of my House where I was busy, and without the least previous notice one of them offered to read a large bundle of papers, which he said was a remonstrance from the House. Does every private man in this country think his own House his Castle? And must your Governor, when in his private apartment, be thus intruded upon? Would any private man bear such behavior in a stranger? And must your Governor bear it with patience? I think therefore from such behavior, without any other, I had too much reason to refuse to receive it, or to suffer it to be left with me and from some past representations which have been openly made by your House, I never will hereafter receive anything from your House in public, the contents of which is not previously communicated to me in private, that I may judge whether it be necessary for his Majesty's service and public good to give access to me for that purpose.

GENTLEMEN.—I must likewise on this occasion observe to you that at the opening of the present session you did not as usual acquaint me with your being a House, in order to receive from me what I should think necessary for your consideration at this time; and as I believe that you cannot give any instance where this has been omitted by any General Assembly of this Province, before this time, I must think that this omission was with design. Before I had any opportunity of speaking or sending any message to you, you entered into several resolves, viz.

You resolve to take the State of the Province, and of the Frontiers into your consideration; but without doing this, or receiving any information of the State of the Province or of the Frontiers being laid before you.

That the late and frequent adjournments and prorogations I had made of the Assembly, have occasioned interruptions in providing for the defence and security of the frontiers. Now, Gentlemen, is not this an encroachment upon the King's authority in my hands, and taking upon yourselves a superiority over, and controlling power of that authority, without acquainting me with any reasons you had for taking the state of the Province into your consideration?

In the same breath you resolve to make a remonstrance upon the state and condition of the colony, and without resolving what shall be the subject matter of that remonstrance, you order a committee to draw it up; the committee in a very little time bring in their remonstrance into the House; and it will beyond contradiction appear from the minutes of the proceedings of your House, the time when you met, and the time when the committee brought it to my House, that there was scarcely time to read it hastily over, and that it was impossible for your House to form any rational judgment on what the Committee had done. Is this acting like rational men? Is this following precedents of the Parliament of Great Britain, which you pretend so much to imitate? No, I'll defy any man to give any precedent of this nature, unless it was in that House of Commons that had resolved to take away the King's life, and to overturn the established government. Nay, I'll defy any man to show that the Council or General Assembly of any nation, ever acted in this manner, but where a faction had resolved to usurp the whole authority and power over that nation.

I had reasons why I should not then take notice of those insolent representations, as would have become me; but now that those reasons are removed, and on this occasion, when I have reason to believe the like insolence was intended, I must tell you that you therein not only forgot all kind of decency or respect to the authority which his Maj-

esty has been pleased to intrust me with over this Province, (not to mention the regard which every man of any tolerable manners must think due to the family where I had my birth) but you thereby endeavored to make me lose all esteem among the people, and to render it as far as in your power, impracticable to do that service which is required of me in opposing the enemy. I further say that without any regard to truth you therein boldly asserted several things which, from the minutes of your proceedings, can be proved that you know to be false; and, in order to excuse yourselves with the people, for denying me the necessary supplies for carrying on the war against the enemy, and for defence of this Province, you endeavor to infuse into the minds of the people, that I converted the public money to my private use; but what little pretence you had for this imprudent assertion, may appear to strangers as well as to those better acquainted with the affairs of this Government, when it is made known to them, that all the public money of this Province, that came in any manner into my hands, in four years since my arrival in this place, to be disposed of by me for his Majesty's service, or the service of this Province, did not in the whole amount to little more than one thousand eight hundred pounds this currency, for the use of the Five Nations of Indians, and other Indians tributary to them, when I met them at Albany, and who were more numerous there than on such usual occasions of meeting them.

Now, let any man but consider what the Province could suffer by the most sinister management of these occasions, when the Indians were maintained out of that money all the time they were at Albany, public presents were given to all the nations then there, and private presents, as is well known, were likewise made out of it, to the sachems of every Nation, and a considerable one to the Senekas for their claim to Oswego, which had been promised them by my predecessors, but never performed; and the Indians

were out of the same money, transported in wagons from Schenectady, 16 miles, to Albany, and from Albany back again to Schenectady, with provisions for their journey. Now suppose what you please to have been saved by the most sinister means; nay, suppose that all the money which came into my hands had been converted to my private use, could this justify your proceeding, which by your commissioners withholding the provisions for the forces, and your justifying them in so doing, and refusing the other necessary supplies, you did as much as in your power, prevent my doing that service which I concerted, determined, and was about to have done, for annoyance of the enemy, and protection of the people of this Province; I say, supposing what you insinuated had been true, this never could have justified you in your past and present conduct; but I assert your insinuations are false, and which I shall make appear whenever that point shall properly come in question. Had the saving of the Country's money been truly the design, you would have in the first place privately acquainted me with any information you had on that head, and if I could not have satisfied you, you might have applied in some manner to the King for redress, which would have shown at the same time, the regard you had for his authority, in the character of his Governor. But to put it out of question that the saving of money to the people you represent was no part of your view, I need only observe that since I had the administration of this government, above sixty thousand pounds has been put into the hands of Commissioners named by you, and none of them have been to my knowledge called to account by you to this day; is it because all men in this Province, excepting your Governor, are incapable of turning any part of the public money to their private use, or because all of them were either of your own number or near relations to some of you, or in special friendship with the leading men among you?

But the spirit of those representations, become still more evident, by the malice which appears in them, against those, who in any manner endeavored to support me in my administration, when you took upon you to judge of their hearts, without assigning one single act, to support the heavy calumnies you endeavored to throw upon them, and that in a manner, that every man who has the least sense of honor, would be ashamed of in private life, but much more unbecoming the character of the representatives of a people who have any sense of moral honesty. But this will be so far from doing an injury to these persons' characters, that you establish their good character when, after you show so great an inclination to discover faults and blemishes, you have not been able to point out one.

I must, before I leave this subject, take notice of your refusing to supply the Independent Companies of the King's troops with provisions who are posted at Albany in your defence; it is well known that these troops cannot at this time subsist there on their pay, as they have no means of supporting themselves otherwise when from duty, or if they could support themselves, is it reasonable to think they could be satisfied to serve for pay alone, when the new levies in their sight, have as good pay and provisions; besides, this refusal can have no other tendency but that of the dissolution of those troops, and for whatever reasons you may desire this, it is my duty to prevent it, and therefore, if these troops be not there furnished with provisions by you, I must withdraw them all into some other parts of the Province where they can subsist.

Now, Gentlemen, reflect from whence this so long continued, unbecoming conduct to your King and Country can arise; it seems to me that it can arise from no other but one or more of the following motives:

A firm principle of disloyalty, that you would endeavor by all means in your power, to deliver up the country to the King's enemies; or

In favor of that shameful neutrality, which it is generally believed some in this Province have endeavored to establish between this Province and Canada at this time, such as was established in the war in Queen Anne's reign, by which the French in Canada gained great advantages over the neighboring colonies, to the prejudice of the common interest of the nation.

A design to overturn the present constitution of the Government, by thus throwing the administration into confusion, or,

Lastly, to satisfy the pride and private malice and rancour of a few men, at the hazard of the lives and estates of your constituents; that such there are in this country is no secret, nor what share they have in your private consultations.

Gentlemen; I have again and again, when you had fallen into unreasonable heats and passions, so as to break out into indecent expressions and undutiful behavior, adjourned or prorogued your House, that you might have time to cool, and to give you what example I could, in preventing the renewal of any past differences; you cannot find one instance, wherein at the opening of any session, I seemed to have any remembrance of any differences which had appeared in the preceding sessions; your behavior has been quite otherwise; you omitted no opportunity to renew differences, often to lug them in head and shoulders; this among many other things, will evidently show whether you or I have had the safety of the people of this Province most at heart in this time of danger. And now, Gentlemen, when you have reason to expect a proper resentment from me, I will disappoint you once more: all these aspersions you have endeavored to throw on me cannot hurt my character with those whose esteem I value; and you are not capable of making a proper reparation for the injuries you have attempted to do.

And therefore, I shall again recommend to you to make the necessary supplies for the security of the Frontiers, and for preserving the fidelity of the Indians, and their encouragement in prosecuting the war against the French, as I did by my message at the opening of this session, and that you dispatch this affair without delay, by not intermixing any other business that can be as well done afterwards as now, till all that is necessary be completed, by these bills being passed your House; because no man can tell what inconveniences may arise, or what mischiefs may happen every day to the inhabitants on the frontiers.

I am well assured that the Governor of Canada has too good information of what passed in this Province; these open and public differences among ourselves may encourage him to make attempts which otherwise he never would have thought of.

And that I may as much as in my power prevent any delay which may arise from misunderstanding or otherwise, I now tell you that I will not give my assent to any bill in which the issuing or disposition of the public money is directed otherwise than as his Majesty's commission and instructions to me direct, or which shall lay any limitations or clogs on his Majesty's authority with respect to the disposition or command of the forces, or which in any sense may lessen his Majesty's authority in my hands with respect to military affairs.

If you make anything contrary to his Majesty's commission or instructions a condition of your granting the necessary supplies for the safety of the people of this Province, I now tell you that it will be trifling with the lives and estates of your constituents, by exposing them in this time of danger without relief; for I never will yield to it. The ill effects of the condescensions of the Governors of this Province are now too sensibly felt to continue anything of that method; but at the same time none of you shall be more desirous than I am that the public money be disposed of in

the most proper and frugal manner, and that you be fully satisfied by all reasonable methods consistent with that constitution of Government which his Majesty has established in this Province, that it has been applied to the uses for which it is granted.

G. CLINTON."

October 14. Acknowledging a communication from the Assembly in relation to the state and condition of the forts and garrisons of Saratoga and Oswego, and in relation to the forces at Albany, the Governor said he had not yet received any advices from Mr. Shirley or Mr. Knowles relating to such forces, and that he would consider other parts of the message.

October 16. The Governor sent to the Assembly the following memorandum relating to the conduct of the war:

"Some things necessary to be provided for by the Assembly of the Province of New York, for the welfare and protection of the said Province, and now recommended to them, by his Excellency the Governor,

At Kinderhook	50 Rangers, at 2s. 6d. per day, and provisions for 182 days. 1 Captain, at 6s. per day, and provisions for 182 days. 1 Lieutenant, at 4s. per day, and provisions for 182 days.
At Albany,	The same
At Schenectady,	The same
At Skohary, Canajoharie and the Mohawks Country,	The same

Besides 50 Indians to be continually employed upon the scout, who are to be relieved by short intervals by 50 other Indians.

A smith to each Indian Nation, with two men to attend each Smith.

Besides the above charges, it is my opinion, for the next six months twelve hundred pounds may be sufficient for preserving and cultivating the friendship of the Indians, as I have been at a very considerable expense on behalf of the Crown to promote that end these twelve months past, by engaging them in the War, and maintaining them ready and fit for service all that time.

The charges of sending expresses with my orders to the militia colonels, and the charge for the respective colonels for sending their orders to the officers under their command, besides other contingencies, which in time of war must be considerable and unavoidable.

I find that provisions for maintaining the double garrison at Oswego has been neglected, which I recommended to be immediately provided for, together with the expenses for sending reliefs to Oswego, at any time it shall be thought necessary.

Provisions for so many of the Independent Companies as shall remain at Albany or on the frontiers.

As I conceive that the charges of 1009 men on the frontiers, which is thought expedient for the defence thereof, and other expenses necessary for the preserving the friendship of the Indians, may be heavy on the people of this Province if continued on them, without the assistance of the other colonies, I propose that this expense be now provided for three months, in which time I shall use my endeavors with all the governments to the southward, as far as Carolina, to join in taking a share of this expense; and then at the expiration of that term, the Assembly may meet again to know the result of my endeavors, and to consider what may be further necessary to be done.

G. CLINTON."

At the same time the Governor sent to the Assembly a certificate of Col. William Johnson in relation to several

French prisoners and scalps taken by parties sent out by him.

October 19. The Governor sent to the Assembly the following message, which was also sent to the Council on the 21st:

"In obedience to his Majesty's commands, I am to inform you that his Majesty has for the present laid aside the expedition intended against Canada, and has ordered the forces levied in America for that expedition to be discharged, except so many of them as it shall be thought requisite to retain for the defence of Nova Scotia. I am further directed to recommend it to you to furnish such sums of money, or credit, as may be wanted to pay the Forces levied in this Province for that expedition, till it be provided for by Parliament; for which purpose, accounts of the whole expense incurred on account of the American troops from the time of their being levied to the time of their discharge, is to be transmitted to his Grace the Duke of Newcastle.

His Majesty hopes you will comply with this demand without difficulty; and I may add, that as I have paid the private men to the 24th day of June last, and two months pay to the subalterns, the demand on this Province will be so much lessened at the time of their dismission. The like demand is to be made on the other colonies who levied troops for the same service.

On this occasion, I shall renew the proposal I formerly made you of retaining what number of the levies now at Albany you shall be willing to pay for the present defence of the frontiers of this Province; by which likewise the charge of raising new levies, in pursuance of the agreement entered into with the Colonies of Massachusetts Bay and Connecticut, may be lessened.[5]

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[5] This suggestion was included in an act, chap. 853, passed November 25th, providing for the equipment and subsistence of eight companies for frontier service.

As it is become necessary that I know your resolutions on these heads without delay, and to prevent the proposing conditions which may occasion delay, whatever of these forces are to be retained must be retained on the same pay, both as to officers and private men, on which they entered into his Majesty's service; and that in case you do not retain all that are now remaining at Albany after they shall be reduced into complete companies of one hundred men each, as I formerly proposed to you, the choice of such as I shall think most proper for the service must be left to me. After I shall know your resolutions to comply with the whole, or any part of what I now propose, estimates of the sums requisite shall be laid before you. I must again repeat that his Majesty's service requires that I know your resolutions without delay; an express which came from Boston being detained for that purpose.

G. CLINTON."

The Assembly adopted a resolution to provide for the retention and subsistence of eight companies on the frontier, but on account of the impoverished condition of the colony, thought that no appropriation should be made to pay the forces levied in this colony on the expedition against Canada, until it be provided for by Parliament.

October 26. Recommending an appropriation to pay the troops on the frontiers.

November 2. The Assembly having expressed its unwillingness to comply with the Governor's request, he sent the following communication:

"In the minutes of the proceedings of your House on Saturday last, communicated to me, as usual, by the Clerk, I find the following resolve,

'The Committee having maturely considered his Excellency's message of the 24th instant, are extremely surprised, that his Excellency should now recommend it to the

House to make provision for large detachments of the militia, for the defence (as it is said) of the frontiers,' &c.

Did not I, by my message of the 19th of last month (to which you likewise refer in the same resolve) recommend to you by his Majesty's orders to advance or give credit for such sums of money as shall be necessary for the pay of the Forces levied in the Province on the expedition against Canada? And did not I propose to you to retain for the defence of this Province so many of those forces as you should be willing to pay on the same terms or rates on which they entered into his Majesty's service? Have you complied with any of the terms of that message? Have you not refused to give the King credit for such sums as may be necessary to pay those forces till provision be made by Parliament? Have you not by your Speaker communicated to me the terms on which you are willing to pay eight companies of the new levies, viz. by reducing the pay of captains eight shillings per day, and the subalterns to four shillings per day, current money of this Province, which is reducing their pay to less than one half of the British establishment, such pay as no man who deserves to be intrusted will accept, being less than what tradesman and daily laborers earn in their occupations in this Province in peace and quietness, without any risk to their persons; will any man undertake, or can any man give reasonable hopes that eight companies can be retained, otherwise than by paying what is due to the officers and men, and continuing them on the same footing on which they were enlisted? I formerly told you, and I now repeat, that I have no hope of retaining them otherwise than in the manner I proposed; if then, the new levies cannot be retained, must not the frontiers be exposed to the enemy by these forces leaving the frontiers? And may not the inhabitants of this Province be exposed to great disorders if the new levies return in discontent, and without any

clothes or provision from the places where they are now posted, and march in arms through the country, provoked by the contempt of their services? Is it not my duty to do all in my power to prevent the mischiefs which I foresee on events, not only possible, but likely to happen?

Is there any method remaining in my power under this state of affairs to prevent these mischiefs, but by the militia of this Province? And ought not the militia of this Province to be in readiness and suitably provided for to march on all events in times of war, and when the Province may be suddenly attacked by a powerful and cruel enemy? I confess that the method of detachments must prove very grevious to most, if not to all those to whom the lot shall fall; but perhaps this does not weigh so much with you and others who know themselves to be privileged against such hardships? Otherwise you would with more compassion think of relieving your neighbors from such hardships, that you would very unwillingly lay on yourselves. I must do all in my power to protect the lives and estates of the people under my care from a cruel and merciless enemy, but I cannot do it either in the most effectual manner, or in the manner the least grevious to the inhabitants, without your assistance. The people, I am assured, are willing to lend their purses for this service, and for their own ease, if you would allow them to open them. Why do you thus run counter to the desires of your constituents? The time is pressing; it admits of no delay; we know not what advantage the enemy may suddenly and unexpectedly take of the present state of affairs in this Province, and of which I am afraid they have too good information.

It is a matter of surprise indeed, that the representatives of a people should be doing all in their power to render their Governor's endeavors ineffectual for the preservation of the people, which your resolves certainly have a tendency

to do; for what other purpose can this surprise in you be published, but to occasion disobedience in the militia to my orders? And for what other purpose are the reflections of unsteady counsels, continually varying, &c. thrown out at this time? Certainly counsels must vary, as the events on which they are founded do. You only have given occasion to any variation in my counsels at this time; but I shall still keep steady in using my endeavors with you, to furnish me with the means necessary to preserve the people committed to my charge in safety, as much as possible, on all events; and must therefore exhort you to throw off this surprise, and enable me to defend this Province and the people in it in the manner I recommended to you in my former messages, and which I am persuaded must be both the most effectual and the least grievous to the inhabitants of any method which I have heard proposed."

G. CLINTON."

The Governor also presented the account of Isaac Van Dam for subsistence of French prisoners.[6]

November 10. The Assembly sent a committee to the Governor to suggest his immediate approval of a bill relating to the subsistence of troops on the frontiers. The committee did not see the Governor, but were informed by his Secretary that he was busy preparing dispatches for Boston, and would receive no message from the Assembly except by the Speaker.

November 13. The Assembly presented to the Governor a formal address requesting the approval of the bill for the subsistence of forces on the frontiers, and the Governor returned the following answer:

"It is true, that I formerly gave my assent to two bills

[6] Payment of the claim of Isaac Van Dam was provided for by an act, chap. 868, passed April 9, 1748, making appropriations for salaries, services and contingencies.

of the same nature with this; I have been blamed at home for doing it, and I have since given reasons to expect that I would not do the like for the future; I excused myself by the necessity of his Majesty's service at that time, and I hope my concern for the safety of the people of this Province at this time of imminent danger may excuse me once more in giving my assent to the bill mentioned in this address, and therefore, I resolve to give my assent to it accordingly; but at the same time, I must recommend you to take care that no clauses be inserted in the bill now before your House for the pay of the forces to be raised in this Province for the defence thereof, to which any exceptions may be taken as derogatory to his Majesty's prerogative; and that likewise, clauses be added to it, not only to prevent any misapplication of the money destined for the pay of those forces, but likewise, for more effectually preventing any embezzlement of the provisions than is done by the bill to which you desire my assent; since I have reason to think that this has not been sufficiently guarded against by the former bills to which this is similar, the provisions may be sent up to Albany without delay.[7]

By a representation, which I have lately received from the officers of the three Independent Companies of fusileers posted at Albany for the defence of this Province, I am informed a total dissolution of them is to be feared if they be not found with provisions or removed from thence; and therefore I must again recommend this to your consideration.

G. CLINTON."

November 25. Reference has already been made to the remonstrance presented by the Assembly to the Governor October 9, and his refusal to receive it or hear it read. The Assembly directed its publication in the Gazette (the official paper), but the Governor issued an order to the printer forbidding the publication of the remonstrance, alleging that it contained several "false, scandalous, and malicious

[7] An act, chap. 854, passed November 25, 1747, imposed a tax of twenty-eight thousand pounds for general purposes connected with the war.

aspersions" on him as Governor, and directed that this order be published in the Gazette.

Following the publication of this order, the Assembly on the 27th of October adopted resolutions declaring:

"That it is the undoubted right of the people of this Colony, to know the proceedings of their representatives in General Assembly, and that any attempt to obstruct or prevent their proceedings being printed and published is a violation of the rights and liberties of the people of this Colony.

That any attempt to prohibit the printing or reprinting any of the proceedings of this House is an infringement of the privileges of this House, and of the people they represent.

That the humble remonstrance of this House of the 9th instant, though his Excellency (contrary to the uninterrupted usage in such cases) refused to receive it, was, notwithstanding, a regular proceeding of this House.

That his Excellency's order to forbid the printing or reprinting the said remonstrance is unwarrantable. arbitrary and illegal, and not only an open and manifest violation of the privileges of this House, but also of the liberty of the press, and evidently tends to the utter subversion of all the rights and liberties of this House, and of the people they represent.

That Mr. Speaker's ordering the said remonstrance to be printed with the votes and proceedings of this House is regular, and entirely consistent with the duty of his office as Speaker of this House."

November 12 the subject was taken up again by the Assembly, and a resolution was adopted directing the public printer to print the remonstrance in the Gazette, and deliver ten copies to each member of the House "that our constituents may know that it is our firm resolution to preserve the liberty of the press, and to communicate our proceedings to them that they may judge of our conduct."

This action doubtless suggested to the Governor that it would be proper for him to review recent events in the

colony, which was done in the following message, dated November 25.

"Your resolves of the 12th instant, and your order to the Printer thereon, makes it necessary to speak to you at this time in different terms than I wished to have done.

I must recommend to your serious consideration, when cool and free from the influence of your leaders, whether (if I had by my order to the Printer of the Gazette, infringed on your privileges) it would not have better become you to have in some manner applied to me on that head? But this method, I suppose did not please; because thereby you could not so evidently assume an authority over me, and to annul and contradict the orders of your Governor; this may be taken by those who have a right to inquire into your conduct, as a direct assuming the supreme in the executive part of the government; and which they may think destructive of your dependency on the Crown of Great Britain, and of which the people of Great Britain may become jealous.

Consider likewise that paper published under the name of a remonstrance to your House, and your former representations; they contain several things which you know to be false, as appears from the proceedings of your House; in others you manifestly contradict yourselves; from things notoriously known it must appear that what you assert in other parts of them is impossible to be true; no where had you any evidence of the truth of the facts which you assert; you were guided by no principle of action, but that of a blind faith in your leaders; this must appear to any one who shall consider the minutes of your proceedings, the time and circumstances attending them; all things, I say, will appear to any person attentively considering your endeavors to throw the vilest aspersions on your Governor's conduct.

Can falsehood, slander and malice be supported by any other methods than those which you have taken? Would

any man who has the least sense of honor take those methods to support truth? Or to seek redress from any real grievance, which are only proper to support falsehood and malice, and propagate slander? For what purpose are those publications made, when those to whom they are made have no means of inquiring into the truth of them, and can give no legal redress to any injury, if it were real? Can anything be more pernicious to society?

Besides these things observable in general throughout your proceedings, the method you took to present that remonstrance (as it is called) could only be with design to show your contempt of his Majesty's authority, in the character of his Governor of this Province; by that method you assume so far an authority over your Governor that you think it incumbent on him to know, and to pay a regard to your committees, and to papers signed only by the clerk of your House. Consider the petition usually made by your Speaker when presented to the Governor for his approbation: Your Speaker only desires access to the Governor's person for himself, and when necessary for the public service; take the whole of your proceedings together and the spirit of your actions too plainly appears.

I must leave it to my superiors to judge, whether that printed paper, called a remonstrance of your House, has not evidently all the characters of a false, scandalous and malicious libel, against your Governor? I must leave it to them to judge, whether I acted as became the Governor of this Province, in forbidding the Printer to re-print it in his newspaper, as I was informed, the Speaker of your House had privately ordered him to do, after it had been printed in the votes of your House? I must likewise leave it to my superiors to judge, whether I could pass over such a publication in silence? Whether, with any regard to my character, I could take notice of it in any other manner which could give less offence, than what I did? And

whether you have acted like honest men and loyal subjects, in ordering a libel against your Governor to be re-printed, and ten copies of it to be given to each of your members, in order to have it dispersed all over the country, as is actually done?

As to the popular outcry you endeavor to raise of the liberty of the press, I shall only say that certainly this Liberty, as well as any other may be abused to the injury of others; if an injury is done, a proper remedy ought to be applied; and such a remedy can never be thought a restraint of any just liberty. I am persuaded that no considerate man can think that I offered any obstruction to the liberty of the press by forbidding the printer to publish that one paper at his peril; if no peril in doing it, neither the author nor publishers of it can suffer by that order; the proper judges may in time show whether I did a service or dis-service to any by such warning.

You know with what earnestness I recommended to you to provide for the necessary expense of preserving the fidelity and friendship of the Six United Indian Nations, and other Indians our friends, engaged in war with the enemy; and though it be now so long since that was laid before you, you have not made the least provision for this service, which none can doubt of being of the greatest importance for the preservation not only of this, but of all the British colonies in North America; such a neglect can not otherwise be accounted for, but that by the alteration which may be expected in the disposition of the Indians from the contempt which (they may apprehend) you have of their past services, and from other disappointments they have met with; you may have it in your power to give some color to the vile falsehoods and calumnies, you have published; in hopes of doing this, all the mischiefs which may happen are of no consideration with you.

It is also necessary to lay open another design which too evidently appears through all your proceedings; and

which it is probable you principally had in view, viz. an intention to assume the superiority in the administration. For this purpose you throw out all the aspersions on your Governor's conduct that malice can invent; that thereby you might disable him in retaining that authority over the people of this Province which the King has intrusted him with; for what other purpose have you attempted to put in the most odious light the endeavors I took for the safety of this Province, in this time of danger? And which I must leave to my superiors to judge whether they were not the most prudent that could be taken, under the present circumstances.

The reason why it became necessary to keep secret the orders for discharging the forces raised in America, on the expedition intended against Canada, till the time they were to be put in execution, are now obvious, viz. lest the defence of the frontiers should be deserted before preparation could be otherwise made for the defence of them; I gave you, however, timely notice of what was to happen, that you might make the provision requisite for that service. At the same time I told you in what manner any number of the forces then posted on the frontiers might be retained with the greatest certainty. You refused to make provision in the manner I proposed; you took a different and much more uncertain method; and, after you had fixed on one method, you changed it to another equally uncertain in its success; and which, on a fair calculation must put the Province to above forty thousand pounds more expense than the method I proposed. It is well known how dilatory you have been in your proceedings, while the safety of the Province required the greatest dispatch in your resolutions.

When I perceived the Province to be thus exposed to eminent danger, I took the only course remaining in my power for the defence thereof, either in case that a sufficient number of the forces then at Albany could not be

retained, or that the frontiers should be attacked by a greater force than the number of men you proposed to pay could resist.

As the dangers of the enemy might happen suddenly (and when least expected), it became necessary to put the militia, without delay, into such a disposition that they may be always in readiness on every emergency, for which purpose I gave orders that detachments may be made of them upon the first appearance of danger that may require more force than may at any time happen to be on or near the frontiers. I never heard it asserted, that the orders which I then gave were either illegal or partial; that they either favored one man, or were oppressive to another or that they were unnecessary.

For what purpose, I say then, were your resolves published, which evidently tended to create disobedience; and did accordingly produce disobedience to these orders, which I am confident, will appear prudent and necessary for the safety of this Province, to all judicious and impartial men? Could this be done for any other end (if you did not design to give up the Province to the enemy) than to usurp the command of the militia, and to show that his Majesty's prerogative and authority over the militia (and which was never disputed), must be fruitless and ineffectual, unless he please to take that authority from you, and under such limitations as you shall please to set to it? It is too well known what base insinuations were industriously spread among the people at that time, in order to carry the spirit of disobedience, and the passions of ignorant people, to the most dangerous heighth; and how industriously some of your members were in propagating the most mischievous sentiments for that purpose. As I then publicly declared that I had no intention to put the people of this Province to any unnecessary trouble, so since that time I have done all in my power to prevent it by my

endeavors to retain as great a number of the forces now at Albany as can be done on the encouragement which you had promised. I hope no bad event may too evidently demonstrate the necessity of the precaution I endeavored to take, in having the militia in readiness for preservation of it.

Your refusing the King credit for payment of what is due to the forces levied in this Province on the expedition against Canada, till such time as provision shall be made in Parliament for that service, too openly shows what little regard you have either to the King's pleasure, so reasonably signified to you, or his service; and likewise what little regard you have to those who have been willing to expose their lives in the service of their country, and have on several occasions exposed their lives in the defence of this Province. This contempt of such signal services, and neglect of men who are now in the greatest distress arising from their zeal for their King and country's service, must for the future discourage the like zeal in all others; and on many accounts must be detrimental to the people of this Province.

It is now well known that if you had complied with my offers of retaining the forces posted at Albany in the pay of this Province, on the terms I proposed, a sufficient number of disciplined men commanded by Gentlemen could then have been retained; and it is now likewise so evident, that a sufficient number of men cannot at this time be obtained in this Province by the method you have taken, that the Council has found it necessary to advise me to apply to the neighboring colonies for men; until a sufficient number can be procured, the frontiers must remain exposed to the enemy; and it must remain uncertain for some time, whether a sufficient number can be procured. Thus, from an obstinacy and some other temper of mind (to which it is difficult to give a proper name), you are willing to

expose the lives and estates of the people you represent to all cruelties and ravages of a merciless enemy, rather than to comply with any demand of your Governor, however reasonable or necessary it be for the welfare of your country.

You still further discover your desire of assuming the supreme authority over all military force in this Province, by your conduct towards the independent companies of fusileers now posted at Albany for the defence of this Province, and which have been kept in it above fifty years at the charge of the Crown, for its defence. No man can say that the private men can subsist themselves there on their pay at this time; or that they can at this time find any other means for their subsistence; nor can any man think that they can remain contented to see others who do the same duty with them, receive double the pay and provisions, while the country which they protect refuses Provisions to them. Does not this plainly tend to a dissolution of the companies? And for what reason can this be desired by you at this time, when men are so much wanted for the defence of the frontiers, unless it be that you cannot bear any military force in this Province, not immediately dependent on you? And for this purpose you are willing to lose these troops likewise, though necessary for the protection of the Province.

But the bills you have framed for the defence of the frontiers, and to which I now give my assent, for this reason only, that you have put it out of my power otherwise to save this Province from the most eminent danger: these bills, I say, put your designs out of question. For what purpose do you put the provisions for the forces at Albany, the pay of them and the ammunition, gunpowder, and ball destined for their use, into the hands of persons of your own nomination, without advising or consulting with your Governor in the appointment of persons to

so great a trust, but to put it in the power of those persons to control any order which your Governor shall give?

The pretence which you endeavor to infuse into the heads of the people cannot have the least appearance of foundation after the declaration I made to you that I would give my assent to any clauses proper to prevent any kind of embezzlement, or converting of either the money or provisions to any other use than designed by the granting them. It is well known that the method you formerly took, and still continue to take, is as open to frauds as any other. It must be surprising to have it supposed that frauds cannot be prevented otherwise than by a breach or alteration of the established constitution; for this can only be supposed by those who do not understand, or are avowed enemies to it.

You have done all in your power to make my endeavors for the safety of this Province clash and become inconsistent with my duty to the King, by making the only means you put in my power for the safety of the people, contradictory to his Majesty's express commands; and which you know to be such, and derogatory to his authority over you, while you obstinately persist in the same method; but as I have a gracious master, I hope my zeal for the safety of so many of his loyal subjects as would otherwise be in danger will excuse me with him, by giving my assent to these bills, under the present circumstances of the Province, which admit of no delay in preventing the dangers all are in, but more especially many innocent people on or near the frontiers.

Whatever vain imaginations your leaders, or a faction among you, may entertain, I am confident his Majesty has numbers sufficient of loyal subjects in the Province to prevent the ill effects of the most daring attempt on his authority; and which all men of sense know that no act of this government can in any light deprive him of or lessen

his prerogative in any circumstance, however vain you may be of your powers; but that everything attempted by you to that purpose must be foolish as well as arrogant; every act to that effect is of itself void.

Many other instances can be given of your grasping at power, both civil and military, by your assuming to yourselves the nomination to offices and the sole rewarding of all services, as in every money bill you pass; to which you will allow of no amendment by the Council in any part of the bill, how foreign soever to the granting part; neither do you previously advise or consult with your Governor, either in the nomination to offices, or the rewarding of services.

Take the whole of your proceedings together, there must appear not only a want of candor, but open malice likewise; and as by your repeated publications they are become generally a part in conversation of all people in the neighboring colonies, this conduct of you, the representatives of the people of this Province, can give no favorable sentiments of the probity of the people you represent.

Your continued grasping at power, with an evident tendency to the weakening of the dependency of this Province on Great Britain, accompanied with such notorious and public disrespect to the character of your Governor, and contempt of the King's authority intrusted with him, cannot be longer hid from your superiors, but must come under their observation, and is of most dangerous example to your neighbors.

As I know that great numbers of the inhabitants of this Province disapprove of the present conduct of you, their representatives, I cannot at this time do more for the benefit of all than by putting it in their power to declare their sentiments, that they may, if they please, vindicate their loyalty to their Prince, and love of the country, on which they depend, and which protects them.

Therefore I think it for the reputation and interest of this Province, as well as for his Majesty's service, that the General Assembly of this Province be dissolved; and you are dissolved accordingly.

G. CLINTON."

November 25. The Assembly was dissolved.

1748. FEBRUARY. TWENTY-FIFTH ASSEMBLY, FIRST SESSION.

GEORGE CLINTON, Governor.

The Assembly met February 12, as required by the writs of election, and on the same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The public affairs of the Province have made it necessary for me to call you together at this time, otherwise I should have delayed your meeting to a season of the year that must have been more convenient for you.

The agreement made in this city the 28th of September last by the commissioners of this Province, of Massachusetts Bay and Connecticut, upon measures for carrying on the war against the common enemy, and for the mutual defence and security of his Majesty's British colonies on the continent of North America, received the approbation of the last general assembly of this Province. The government of Connecticut has signified their approbation of the same; and since the dissolution of the last Assembly, I received the approbation of the government of the Massachusetts Bay with some alterations to the said agreement. Copies of these approbations and alterations shall be laid before you.

Since the government of the Massachusetts Bay have refused their approbation of the 11th article of that agreement, I am of opinion that the service which was expected from that article ought to be supplied by some other method, which I think cannot be otherwise done than by numerous parties of Indians to be employed for the service, which was intended by that article.[a]

The carrying of this agreement into execution tends so evidently to the benefit and security of all the British colonies in North America that I think it needless to use any arguments with you to contribute everything incumbent on you to carry it on; and however chargeable it may be at this time, yet when it is considered that a great part of the annual and heavy expense which this Province must bear for the defence of the frontiers only may thereby be saved for the future, I persuade myself the people of this Province will cheerfully submit to any expense which shall be necessary for such beneficial consequences.

The advantage which all the colonies, but more especially this, may receive from the friendship and hearty assistance of the Six United Nations, and the mischiefs which may come from a contrary disposition and their acting in favor of our enemies, are notorious; therefore, it will deserve our most serious attention to consider how far their disposition at this time may be affected by the disappointments they have met with from the intended expedition against Canada being laid aside, from the disbanding the forces which were at Albany, and by the influence which the French emissaries may gain thereby over them by infusing into their minds our want of strength or courage. This may occasion unexpected difficulties in the conduct of Indian affairs, even in preserving their friendship, but much more in engaging them heartily and generally in any new enterprise. I must therefore demand your assistance

[a] For a synopsis of the 11th article, see ante p. 420.

to enable me to pursue every method which may be necessary to engage the Six Nations of Indians and their allies to join heartily with us in the execution of the agreement now laid before you, for without the assistance of numerous parties of the Indians we may have much reason to doubt of the success of what is proposed, whereas with such assistance we may have the greatest reason to expect it.

No act has passed for the payment of the salaries of his Majesty's officers of the government since the act which expired the first of September last; I must therefore recommend to you to provide for these appointments in as ample a manner as has been heretofore done, and also for expresses and other contingent charges and services which necessarily arise in time of war.[1]

I have appointed by advice of council Mr. Aaron Stevens, Interpreter to the Indians, in behalf of this Province, from the death of Mr. Bleeker, their late Interpreter; and as he has done signal services among those nations, and contributes considerably to keep them steadfast in the British interest, I cannot doubt of your granting him an ample allowance as interpreter from that time.[2]

No provision has been lately made for the pay and victualing of Oswego garrison; and Col. Johnson tells me he cannot continue supplying that garrison any longer with provisions, without an extra allowance of two hundred pounds per annum during the war, as the transporting the same is attended with great difficulty, hazard and expense; and as the public is considerably in arrear to him, I expect you will immediately provide for that charge with what expense he has been at of sending the provisions and re-

[1] An act, chap. 868, passed April 9th, made appropriations for salaries, services and contingencies and for other purposes.

[2] The act last cited, chap. 868, provided for the compensation of Arent Stephens as interpreter at the rate of ninety pounds per annum.

liefs thither, over and above the contract.[3] I conceive it absolutely necessary that provision should be made for the expense of a smith to reside during the summer season at Oswego for the use of the Indians that come to the trading house there, being assured by Col. Johnson it will give a general satisfaction to all, but more particularly to the far Nations.

The fort at Albany wants many repairs, which I recommend to you;[4] as also a supply of ammunition for the several forts in the county.

As several expenses have incurred for rewards to the Indians for scalps,[5] for the maintenance of their prisoners, for transporting the new levies to Albany, for victualing some of them in the Mohawk's country, for removing the cannon from Saratoga to Albany, and for expresses; and as Col. Johnson has advanced money to the smiths and other persons sent among the Six Nations of Indians, of all which disbursements proper accounts shall be laid before you, I must recommend the payment of them as just and necessary debts on this government; as likewise the payment of the rent to the first of May next of the house wherein I resided till the house in the fort was put in a proper condition to receive my family. I must likewise recommend the completing of the house in the fort, the building of stables, and making such other conveniences as are necessary and proper for my accommodation.[6]

The companies for which the last Assembly made provision to be raised for his Majesty's service are almost com-

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[3] The general act for the defence and security of the frontiers, chap. 864, passed April 9th, made large appropriations to Col. Johnson for the purposes mentioned in the Governor's speech.

[4] The last act, chap. 864, made several appropriations for the defence and fortification of Albany.

[5] The act, chap. 868, providing for salaries and contingencies, passed April 9th, appropriated three hundred sixty-five pounds for scalps.

[6] See the appropriation acts, chaps. 864 and 868, for several items contained in the speech.

plete, but as no provision was made for a commanding officer at that time, I cannot avoid desiring you to make such a reasonable provision for one now, as will fully answer the trouble, care and expense attending that command.

GENTLEMEN OF THE GENERAL ASSEMBLY.—There being nothing more desirable at all times than peace and unity, I persuade myself you will enter upon the affairs I have now recommended to you with all manner of harmony and prudent dispatch, because the other colonies who are united with us in the before mentioned agreement wait for your resolutions, and the example which you may give on this occasion will give life and dispatch to all concerned where it appears necessary for the general benefit of all the British colonies in North America.

You will always find me ready to concur in any measure that shall be proposed to me for his Majesty's service and the interest of the Province.

G. CLINTON.

SPECIAL MESSAGES.

February 16. Transmitting a copy of the agreement dated September 28, 1747, between Massachusetts, New York and Connecticut, relative to the conduct of the war. A synopsis of this agreement has already been given. Ante p. 419. Also transmitting a copy of the resolutions of "the General Court of the Province of Massachusetts Bay of the 30th of October last on the several articles of the said agreement"; an extract of a letter from Governor Law of Connecticut, dated the 2d of November, 1747, importing that the legislature of that colony had approved of the said agreement; a request by the Six Nations for the appoint-

ment of a smith to reside at the Oswego trading house, and also several accounts for services rendered to the colony.

February 16. Thanking the Council for its address.

February 18. Informing the Assembly of an expected attack of the enemy, and that he had adopted measures to discover the truth of the report; he recommended that provision be made for outscouts on the frontiers.[7]

February 19. Replying to the Assembly's address, the Governor said:

"As I conceive the Government of Massachusetts Bay has concurred to the most material parts of the agreement entered into by their Commissioners with the commissioners of this government and Connecticut, I hope the alterations made by them will not be an obstacle to hinder us from showing our enemies that we have strength sufficient to annoy them and a spirit to exert it."

The next day the Assembly adopted the report of a committee, in which the opinion was expressed that the several alterations proposed by the government of Massachusetts in the agreement of September 28, would in a great measure defeat the ends proposed by the agreement, and that therefore the Assembly ought not to agree to such alterations.

February 23. Transmitting accounts presented by Captain Henry Livingston for supplies furnished to the garrison at Fort Clinton, and to his company of new levies.[8]

March 1. Transmitting an extract of a letter from the Duke of Newcastle, dated the 3d of October, 1747, relating to the cultivating the friendship of the Six Nations of Indians, and keeping them steadily attached to his Majesty's interest, by which (the Governor said) the Assembly would perceive "his Majesty's gracious intentions towards these

7 The act for the defence of the frontiers, chap. 864, and the salaries' act, chap. 868, both passed April 9th, made appropriations for outscouts.

8 The item relating to levies was included in the act for the defence of the colony, chap. 864, passed April 9th.

colonies; and as the necessary measures to be taken in consequence of his Majesty's directions, for the protection and defence of the Six Indian Nations, and for preserving their friendship, and keeping them strictly and inseparably allied to his Majesty, cannot but have a very good effect, and must raise a hearty disposition in them, to join with us in any attempt against the common enemy. I think this favorable opportunity, to concert and carry into execution some vigorous enterprise, ought not to be lost; therefore I hope you will, on your parts, concur cheerfully with the other governments, in taking advantage of this critical juncture."

March 4. The Governor sent the following message to the Assembly:

"Upon finding that I could not retain thirteen companies in the pay of this Province, out of the levies raised for the intended expedition against Canada, I applied (by advice of Council) to the Governor of the colony of Connecticut, to raise three companies there; in the meantime frequent applications were made to me by the inhabitants of Kinderhook, for one or two of these companies; but the officers at Connecticut, (to whom I had given my recruiting order) being disappointed of their expected success, I was under a necessity of sending a company raised by Capt. Tenbrook to that settlement; since which Governor Law acquaints me that the three companies are raised in his government, which is one more than was provided for by the last General Assembly; but as this company has been raised, clothed and armed, at the expense of the officer, I recommend it to you to take it into the pay of this Province, as an additional security to the frontiers, being informed from Connecticut that unless this company is provided for now, it will discourage their people from enlisting on such occasions.

G. CLINTON."

March 30. The Governor in the following message continued his observations concerning the conduct of the war:

"I need not repeat to you of how great importance it is to all the British Colonies in North America to join together in concerting measures for annoying the common enemy; and that a vigorous exertion of our united strength cannot but afford us well-grounded hopes of success in any enterprise against them; and as a readiness shown on the part of this government may be an inducement to the other colonies to engage; I do therefore (with the advice of his Majesty's Council) recommend it to you to set the example; and as I have received information that the French are employing all their arts to withdraw the Six Nations of Indians from their dependence on his Majesty, it is become necessary to undertake some expedition against them at this time as the most effectual measure to retain the Indians in his Majesty's interest.

That you may the more cheerfully declare yourselves on this head, I must observe to you that his Majesty has signified his approbation of such an undertaking; I must likewise observe to you that by the measure already taken by me, in conjunction with Governor Shirley, and others to be taken, in consequence of his Majesty's orders to us, the Governments joining in this undertaking will be eased of a large article of the expense which would attend an enterprise of this kind, to wit, that of protecting the Indians and engaging and employing them against the common enemy; and in case of success (which we have reason to expect, from a union of hearts and hands in the common cause) I will, in conjunction with Governor Shirley, maintain any forts that may be taken from the enemy at the expense of the Crown.

These, Gentlemen, are such weighty considerations as I think must prevail on you to show your zeal on this occasion; let not therefore this favorable opportunity be lost

to embrace his Majesty's gracious favor, and by your readiness set an example to the other colonies to engage them in a measure calculated for his Majesty's service, and the visible interest, if not the safety, of all the northern colonies.

For your information I have ordered some papers to be laid before you.

G. CLINTON."

At the same time the Governor transmitted copies of papers received from Governor Shirley and also from Col. William Johnson.

The Assembly considered the last message, and on the 31st of March, adopted the report of a committee, expressing the opinion that this colony ought heartily and cheerfully to join "with the other colonies on the Continent, in any well concerted scheme for their mutual defence, and the effectual annoyance of the common enemy, and that provision be accordingly made for the Commissioners appointed on the part of this Colony to meet with such as may be appointed by the other governments, to treat and conclude on the most proper measures for these purposes."

June 21. The Governor sent the following message to the Assembly:

In my speech on the 12th of February last I recommended to you to make provision for several services that had incurred, or were necessary to be done at the public expense; but as the season of the year did not then permit you to provide for them, I shall order the particulars thereof to be again laid before you, and recommend them to your consideration, not doubting but they will have their due weight in your deliberations.

Since your recess I have taken all the precautions in my power, at his Majesty's expense, to preserve the affections of the Six Nations of Indians in the British interest,

by sending Col. Johnson among them; and he has succeeded so well that he has prevented their going to Canada until I can have an interview with them; and although they have declared themselves fully attached to our service yet it appears to me by the treaty which that Gentleman has had with them, (which I have ordered to be laid before you, with an extract from his letter) that there is the greatest danger of a total defection of those tribes to the French interest, unless we can give them proof of the sincerity of our professions, by speedily and resolutely joining with them in prosecuting some enterprise against the enemy; therefore I hope you will readily unite with the governments of Massachusetts Bay and Connecticut in executing the agreement entered into with them; as the advancement of the King's service, the safety of the Province, and the well-being of the inhabitants greatly depend thereon; and you may be assured of all the assistance in my power, in conjunction with Governor Shirley, to encourage the Indians to do their parts for the reduction of Crown Point, or to carry on some other acts of hostility against the enemy; and I refer you to a message of the General Court of the Massachusetts Bay to Governor Shirley on this occasion, a copy of which I have ordered to be laid before you.

I have invited the Six Nations of Indians, and their allies, to meet me at Albany the beginning of next month, in order to partake of the presents his Majesty has been graciously pleased to send them; but I am informed it will tend to little purpose to give those presents unless an act is passed before that time, forbidding all persons whatsoever, to buy or exchange any arms, ammunition, clothing, &c. from any Indian of the Six Nations, or their allies, or to sell them any rum, or other spirituous liquors, under certain penalties, without a license from me, or the Commander-in-Chief

for the time being; and I recommend it to you to prepare an act for that purpose before I go.[9]

Capt. Armstrong, his Majesty's engineer for this Province, has delivered me his report, touching the present state and condition of the fortifications of this City; and as several reparations and buildings are immediately wanting for the security of the city, I must recommend it to you to take the same into your serious consideration, and provide amply for the works he has advised to be done, agreeable to his report herewith delivered to you.

I have ordered to be laid before you copies of two letters, with some affidavits, which I received from the President and Council of the Province of Pennsylvania, representing the dangers our trade is exposed to from several privateers infesting our coast; and as the protection of trade is of the utmost consequence to this Province, I cannot doubt of your falling upon some expedient for the preservation of it from the attempts of the enemy.

I have ordered an extract from a letter of the Governor of Canada to Governor Shirley, to be laid before you, wherein he complains of there being no cartel, or rules settled for the exchange of prisoners, between this government and Canada; and you may see from that extract what may be the consequence in case something is not done for that end; I must therefore recommend to you to provide for the necessary expense which must attend the maintenance and exchange of prisoners, and redeeming from captivity such of the inhabitants of this Province, and Indians belonging to the Six Nations, as have had the misfortune to fall into the hands of the enemy in Canada; but especially for the redemption of those who are in the custody of the French Indians, and which must be attended with greater expense than what usually attends the exchange or

[9] An act, chap. 869, passed July 1st prohibited buying from or exchanging with the Indians, arms, ammunition, clothing or presents.

ransom of prisoners in other cases, as they are a barbarous enemy. I must also recommend to you to provide for the usual rewards given by this Province for scalps and prisoners taken from the enemy. (See note 5.)

On the 18th of February last I appointed William Johnson, Esq., colonel of the levies raised for his Majesty's service in defence of this Province, and annoyance of the enemy; and being satisfied that this Gentleman has taken particular pains in regulating the disposition of those troops to the best advantage for the defence and security of the country, I expect you will make him a suitable allowance for the care and expenses that must attend that command; and as the enemy make frequent attempts upon the inhabitants in the frontiers, I must recommend to you, to continue the troops posted there in the pay of the Province, till we can find a better remedy for their protection.[10]

I have received a letter from the Governor of Connecticut, informing me that a number of his Majesty's subjects in that government are willing to enter into the pay of this colony, to go as out-scouts against the enemy, upon a certain encouragement contained in his letter, to which I refer you.

GENTLEMEN.—The affairs which I have recommended to you demand dispatch, and I persuade myself it will appear by your proceedings and resolutions that you have that just and hearty concern for the common interest of your country which its importance requires.

G. CLINTON."

June 27. The suggestion that the Governor had unlawfully interfered in the administration of the law by civil tribunals, was considered by him in the following message:

"I find by a motion of Col. Beekman's to the House, of

[10] This recommendation was included in the act, chap. 868, for salaries and contingencies passed April 9th, which appropriated eight thousand four hundred ninety pounds for the pay of eight hundred effective men already in service on the frontiers.

the 24th instant, that by a letter which I wrote to the Judge of Dutchess County, and two letters which my secretary wrote to the sheriff and clerk of said county, by my orders, touching some deserters, suing their Captain Josiah Ross for their pay, it is insinuated as if I intended to overthrow the whole course of legal proceedings.

In these letters I only recommended to the officers of the Court to put a stop to the claims of those deserters who went off with his Majesty's arms and clothing, whereby they forfeited all pay due to them from the crown; if such a step taken can in the most extensive light, be construed any violation of the laws, or a grievance upon the people, it was done through inadvertency; as I never had an intention to infringe upon any man's right or property; and if the public have received any damage thereby, I am ready to redress it.

G. CLINTON."

July 1. The Assembly adjourned to the 9th of August.

1748. SEPTEMBER. TWENTY-FIFTH ASSEMBLY, SECOND SESSION.

GEORGE CLINTON, Governor.

The Assembly had been adjourned to the 9th of August, but it did not meet until September 20, and was then adjourned to October 12. On the 14th the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I congratulate you on the near prospect there is of so great peace which we have reason to hope is on a solid and lasting foundation, since it is to be made with the consent of all the powers engaged in the war; but as we have no accounts that the peace is finally concluded, we ought to

take the necessary precautions for the security of the Province on all events, and more is necessary in this Province than in other parts of his Majesty's dominions distant from Canada.

If any among the French in Canada should not be well disposed towards us, they may even in case of a peace privately set the Indians to do mischief; and I think therefore, that the troops in the pay of this Province and remaining in the county of Albany ought to be continued some time longer till the inclinations of the French in Canada and of their Indians be known and we have reason to think that the inhabitants of the frontiers are in safety.[1] We have the more reason to be on our guard, since I cannot agree to the terms offered for a mutual release of prisoners on the part of the Governor of Canada by the officer sent by him to me, consistently with that regard which I have for the security and safe return of his Majesty's subjects of this Province who have the misfortune to be prisoners in Canada.

I have given orders that some persons be sent from Albany to propose more equitable terms to the Governor of Canada for the mutual restoring of prisoners than those which have been proposed to me on his part, and you may be assured that nothing shall be wanting on my part to procure a safe and speedy return of all the British subjects prisoners in Canada that is in my power to do.

GENTLEMEN OF THE GENERAL ASSEMBLY.—As this is the session in which you propose to provide for the services of the current year, I think it proper to observe to you that in the time of Governors Hunter, Burnet, Montgomery and Cosby, the establishment for the payment of the governors, secretaries, judges and other officers' salaries were made

1 Following an Assembly resolution of October 20th (see special message, October 24th), an act, chap. 872, was passed October 28th, in effect discontinuing the pay of certain troops after the 1st of November.

at the entrance of each of those gentlemen upon his administration, for the term of five years by an act entitled "An Act for the support of his Majesty's government within this Province"; but that upon my coming to the administration in the year 1743, instead of making the usual establishment for the payment of those salaries, the Assembly passed an act entitled "An act for the payment of the salaries, services and contingencies therein mentioned, until the first of September, 1744," and have continued this method of granting the salaries for supporting the governor and other officers of the government from year to year ever since.

The inclination, Gentlemen, with which I came to the administration of his Majesty's government in this Province to do everything for the ease and satisfaction of the people which was consistent with my duty to the King as his Governor, and the confidence I placed in the advice then given me that the method proposed by that act for making provision for the payment of salaries to the several officers of his Majesty's government, would not be attended with any inconveniences, induced me to give my assent to the act; and the rupture with France which ensued before the time of year came round again for providing for the payment of salaries, and which has continued till the late ratification of the preliminary articles for a general pacification at Aix La Chappelle, has prevented me from refusing assent to the acts passed in the three subsequent years for the same purpose, being unwilling to move any point which might interfere with the Assembly's attention to other important affairs of his Majesty's service and the general interest of this and his other colonies in North America depending upon them during the course of the war.

But now that the conclusion of the war, and the experience I have had of the tendency of these new acts in many points to weaken his Majesty's government in this Pro-

vince, have made it my indispensable duty to take the first opportunity of putting a stop to these innovations; I must acquaint you that I do not think myself at liberty to give my assent to the like acts for the future, and therefore I earnestly recommend it to you to make the same provision for the payment of salaries that former Assemblies did, during the administrations of my four immediate predecessors, Chief Governors of this Province; and I hope the same spirit of loyalty to his Majesty's government which animated those Assemblies, will induce you likewise to comply with what I propose.[2]

GENTLEMEN.—I am not seeking any personal advantage for myself, or the other officers of his Majesty's government by an augmentation of any salary in what I now recommend to you, and if you think it more agreeable to the rights of the people that the sums to be paid for every officer's salary should be expressed in the act instead of having it intrusted with the Governor and Council, as was the usual method before, I shall not oppose it in the least.

You must be sensible, Gentlemen, that I am not offering to you any innovation in the method of providing for the support of his Majesty's government established by former Assemblies, but only endeavoring to put an end to those lately introduced, and to put his Majesty's government in this respect on the same foot it stood upon in the time of my predecessors, Chief Governors of this Province, by name, not to the officers for the time being, which I

[2] The Legislature adhered to the policy of annual appropriations, and by an act, chap. 871, for the support of government, passed October 28th, continued former acts "from the first day of December next, until the first day of January, 1749." This act having been passed in October, 1748, the last date, 1749 is apparently an error for 1750; otherwise the act on its face would have been in force only one month. No act for this purpose was passed in 1749, but an act was passed in September, 1750, chap. 876, continuing former appropriation acts, and in which it is said that those acts had been continued in force until the 1st of January, 1750.

conceive to be my duty to do, and necessary for his Majesty's service that it should be done.

It would be too prolix for me to enter here into a particular detail of the inconveniences which attend the new method of providing for the support of his Majesty's government; but shall observe only some of the objections I have to it, viz. That the establishment for my own salary and allowance, and the other salaries and services usually provided for in former acts of Assembly, are now made from year to year instead of the term of five years; that many new grants and matters of a different nature are intermixed in those grants, and tacked to the grants for my own support and of the other salaries and payments which were usually joined with that, and that these acts are passed the last of the several sessions and that the grants made to the chief justice and other justices of the supreme court and some other officers are made to them personally by name, not to the officers for the time being, which I mention, Gentlemen, in hopes that you will avoid doing the same in your grants to be passed this session.

Colonel Johnson informs me that he has not been paid a debt of two thousand, one hundred and thirty-eight pounds, due to him by this Province, and which was allowed and ordered to be paid him by an act passed last session entitled "An act to make provision for several services for the defence and security of the frontiers, and other purposes therein mentioned"; and that the reason given by the Treasurer why he did not pay that sum is that the fund out of which this money is to be paid is surcharged sixteen hundred pounds. The honor of this government is engaged that a debt so just and so long due be speedily paid. The hardships this gentleman is under by being kept out of so large a sum and for so long a time, made him unwilling to undertake the supplying of the garrison at Oswego, as became neces-

sary at the time the relief was last sent thither; but I prevailed upon him to do it, upon my repeated instances, from the danger that garrison would otherwise be in by the want of necessary supplies. I am persuaded that I need only mention those two debts in order to your granting money sufficient for the discharge of them, and his other demands, which I shall order to be laid before you.

I must likewise recommend to you to make provision for paying the arrears due to the troops paid by this colony, and for continuing so many of them as are at this time on the frontiers, and for such time as shall be necessary for the security of the frontiers[a], as likewise for the expense which has arisen or shall arise by sending and receiving messengers or otherwise, for the exchange of prisoners, and for completing and finishing the Governor's house and stables; I shall direct that proper accounts and estimates be laid before you for these purposes.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— I shall do everything in my power which may contribute to the safety and prosperity of this Province with your assistance, and I shall (after I receive certain intelligence of the event of the Treaty of peace) lay before you what I shall then think necessary for the good of the people under my care.

G. CLINTON.

Fort George in the City of New York
the 14th day of October 1748.

SPECIAL MESSAGES.

October 18. Transmitting a letter signed by several captains of the new levies on the frontiers, dated at Albany the 12th instant, relating to the state and condition of the forces under their command; together with several accounts of disbursements for the public service.

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[a] See note 1.

October 19. Thanking the Council for its address.

October 21. The Assembly having prepared an address to the Governor recommending a reduction of the forces on the frontier, suggesting that the Governor, if he had not been restrained by specific appropriations for judicial salaries would have appointed an unworthy person as one of the judges, and announcing its determination to continue the policy of annual appropriations, the Governor sent the following answer:

"Two of your members brought me a copy of an address which you propose to make to me, with a message to know when I would receive it; there is a decency to be observed in all addresses from your House to your Governor, who in this case represents the King from whom he receives his authority; but in the paper brought to me you have had no regard to decency, and therefore I think it no way proper for me to receive such an address; however, that the business now before you may be at no stand on this account, I now send this answer to everything in that paper, which I think can be of any use to you to know.

You know that I can have no private interest in desiring you to continue the forces in the pay of this colony and now posted on the frontiers; my only view in it, is the safety of the inhabitants there; though the prospect of peace may seem near, yet we have no account of its being finally concluded, and I believe no instance can be given that any nation disbanded their forces before a peace was concluded.

We may have reason to fear from the well known temper of the Indians that we are not safe from their hostilities, notwithstanding of the cessation of arms now subsisting between the powers at war; I think it my duty to take care of the people committed to my charge on all events and in the manner I proposed, but this I cannot do without your assistance.

It was not easy to find proper persons to send with the

prisoners which were sent to be exchanged in Canada; it was in time of war, when the skulking Indian parties were abroad; and I am informed that the persons which I then sent were in great danger from a party of French Indians that fell in with them. I have reason to think that Mr. Williams, the person I intrusted, behaved properly, since the Governor of Canada declared that he was well pleased with his behavior, and that on that account he had released several prisoners more than he had intended; and the prisoners now in Canada have certified to me that they are satisfied that Captain Williams has done the utmost of his endeavors to procure the release of those whom he in conscience thought stood most in need of it.

I have since desired the Gentlemen of the Council to name such persons as they thought would be most proper to go back with the French Gentlemen, who came hither for the exchange of prisoners, in order to procure a general release of all the inhabitants of this Province, and not any one of them named any person; but said that they could not think of any person of distinction that would be willing to go, though at this time the cessation of arms takes place and they were to go in company with the French officers who returned to Canada. The season of the year did not admit of delay least the unfortunate people who are now prisoners in Canada should be put under the hardship of remaining in prison during the winter in that severe climate; and as all of them are inhabitants of the county of Albany, I thought proper persons were most likely to be found there; and my intention was that such persons should be sent as would have the relief of their unfortunate brethren most at heart, but now I am afraid that my endeavors for the relief of these objects of compassion may be obstructed by the doubts which may be entertained of your paying the necessary expense on such an occasion.

You are pleased in that paper to give me characters of

some persons that I have had better opportunities to know them than you can have had; however, I believe that by this paper some men's characters will be evident to every man who shall read it and has the least sense of honor.

I must again tell you that I am not at liberty to give my assent to any bill for the payment of the officers' salaries in the method lately introduced till I shall know his Majesty's pleasure thereon; by this none can suffer but myself, and the officers of the government, notwithstanding of this, you may provide for the arrears which shall be due to the forces in the pay of this Colony, that they may be disbanded as soon as possible, since you do not think them necessary, and for the payment of the other debts and services which I recommended to you.

Whatever your conduct may be towards me, I shall not so far forget my duty as to refuse my assent to any bill which you shall prepare, and appears to me to be for his Majesty's service and the safety or welfare of the people committed to my care; and I shall likewise do you this justice to take care that a copy of the paper which you call an address be carefully transmitted to his Majesty's ministers, that his Majesty's pleasure may be known thereon.

G. CLINTON."

Also transmitting several accounts for public service.

October 24. In response to the Assembly's resolution of the 20th to discontinue the pay of certain troops after the 1st of November, and of others at an earlier date, the Governor said that the Council had advised that the troops be disbanded, and he recommended that the arrears for pay and victualling be at Albany by the day that the forces were to be disbanded; also recommending that supplies be furnished for the militia at Oswego until they can safely return by water. (See note 1.)

October 23. Informing the Assembly that he would as

requested immediately give directions for the return of the detachment of militia sent to Oswego.

November 8. Transmitting an account of services rendered by Peter de Joncourt as French interpreter.[3]

November 9. Transmitting an account presented by John Van Wyck, high sheriff of Queens County, for the subsistence of French and Spanish prisoners.[4]

November 10. Transmitting an account presented by Isaac Willet, high sheriff of Westchester County, for the subsistence of French and Spanish prisoners. (See note 4.)

November 10. Approving a resolution of the Assembly requiring accounts to be verified in a specified manner; also transmitting accounts presented by Col. William Johnson.

November 12. The communication sent by the Governor to the Assembly on the 21st of October in answer to its address, which contained some reflections on him, was evidently not well received, for the Assembly on the 26th of October adopted the following resolutions:

"That it is irregular and contrary to the course of parliamentary proceedings for the House to send the copy of any address to his Excellency which is to be presented to him by the whole House, or any committee thereof, and that his Excellency has no right to insist on any such copy.

That it is the undoubted right of this House to have access to his Excellency for transacting the public business of this colony.

That his Excellency's denying access to this House in order to present their humble address to him, is a manifest violation of the rights and privileges of this House, is contrary to his solemn promise made to the Speaker when presented to him for his approbation, and evidently tends to

[3] An appropriation for Peter de Joncourt, Indian interpreter, was made by an act to pay the debts of the colony, chap. 900, passed November 24, 1750.

[4] An appropriation to pay the claims of John Van Wyck and Isaac Willet for subsistence of French and Spanish prisoners was made by the act to pay the debts of the colony, passed November 24, 1750, chap. 900.

the destruction of all intercourse between the several branches of the Legislature, and consequently to the utter subversion of the constitution of this Colony."

The Governor called a joint meeting of the two Houses on the 12th of November, and after disposing of certain bills, delivered the following speech to the Assembly:

"I think it now a proper time to make some remarks on your printed resolves of the 26th of last month, wherein you charge me with a breach of my solemn promise and with a violation of your rights and privileges by refusing to receive an address from your House.

It cannot be doubted but that there is a certain respect to be observed by you towards your Governor in all intercourse between him and you; and that it is his duty to preserve the dignity of the King's authority, so far as he is entrusted with it; The Governor must judge for him, when he thinks that just respect is neglected; and therefore, as you first broke in upon the undoubted rules of decency by that address which you intended to make you are only to bear the blame if any inconveniences or prejudices ensue, from your disrespect to your Governor.

You claim the same privileges with the House of Commons of Great Britain. The Speaker of the House of Commons, after having been approved of by the King, desires, that as often as necessity for his Majesty's service and the good of the commonwealth shall require, he may, by direction from the House of Commons, have access to his royal person. It is not that the Speaker shall have access whenever he pleases, but only when his Majesty's service and the good of the commonwealth shall require. The privilege of access I never denied you; but then I have a right to judge as well as you whether the access you desire be for his Majesty's service and the good of the commonwealth; and that it be made with due respect, other-

ways you claim a superiority over me, inconsistent with the constitution of this government.

In whatever your Governor and you differ, there is a legal method for redress. In my message to you I told you that I would do the justice to send a copy of that paper, which you call an address, to his Majesty's ministers; which is sending it to the proper tribunal for redress, if I have done you any injury by my refusing to receive it; but you seem to decline this legal method; and by your publishing that paper under the name of an address in your votes, and afterwards in a public newspaper published by the printer of your votes, you seem to place the dernier resort in all disputes between your Governor and you in the populace; how his Majesty may take this, or how a Parliament of Great Britain may take your claiming not only the privileges of Parliament but privileges far beyond what any House of Commons ever claimed, deserves your most serious consideration. You seem herein to forget your dependency; I therefore think that I cannot at this time more effectually show the concern I have for the people of this Province than by giving you time, coolly to consult with your constituents on the consequences your proceedings may have; and that you may do this at a time when you are freed from that influence which now too evidently prevails among you.

In most of the bills prepared for my assent you continue so visibly to assume to yourselves the executive power of government that nothing could excuse my giving my assent to them but the necessity of the service for which you grant the money, without which those services could not be performed; and as I have reason to think that you persist in your obstinacy in assuming almost the whole powers of government, it becomes necessary for me to put an end to the present session.

I therefore think it for his Majesty's service that the

General Assembly be prorogued to the second Tuesday in March next; and this General Assembly is accordingly prorogued to the second Tuesday in March next, then to meet here.

G. CLINTON."

November 12. The Assembly was prorogued to the second Tuesday in March 1749.

1749. JUNE. TWENTY-FIFTH ASSEMBLY, THIRD SESSION.

GEORGE CLINTON, Governor.

The Assembly had been prorogued to the second Tuesday in March, but it did not meet until June 27. The next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I congratulate you upon the re-establishment of peace, by which the Province is freed from the calamities of war to which the frontiers of it were exposed from a barbarous and cruel enemy.[1] I am not now to incite you to the prosecution of war, which when most successful is attended with effects no ways desirable, but to the arts of peace for the future security and prosperity of the people of this Province; and I assure you, Gentlemen, that I will cheerfully join with you in everything which shall be necessary for the Legislature to do for this purpose.

But, Gentlemen of the Assembly, it can be of little service to make laws if they with whom the executive powers

[1] Peace was restored for a short time by the treaty of Aix-La-Chapelle, which was concluded October 18, 1748.

of government are intrusted, be disabled from putting them in execution; and therefore, I must (previously to everything which may be proper to be recommended to you at this time) demand that you grant his Majesty a revenue for the support of his government in this Province in a manner conformable to the directions of his Majesty's commission to me, by the authority of which you sit and act, and of the instructions which I have received for that purpose, and to make provision for the payment of the debts justly due for services done and for the contingent services of the ensuing year, in manner likewise conformable to the directions of his Majesty's commission and instructions to me. In making this demand, I ask nothing new, or that any new taxes or impositions be laid on his Majesty's subjects in this Province, or what is not perfectly consonant to the English constitution and conformable to the practice of Parliament. There are laws of this Province now in force granting to his Majesty funds for the support of his government; there is money in the treasury for this purpose; and yet though the moneys arising from these funds are granted to his Majesty, he cannot (as these laws now stand) make use of one farthing of it for the purposes for which it was granted. This is such an inconsistency in itself, so contrary to our happy constitution, and so prejudicial to his Majesty's service, that it must be remedied; and therefore, I must demand of you, Gentlemen of the Assembly, to give me an answer in direct and positive terms, previously to your going on any other business, whether you will grant his Majesty a revenue for support of his government conformable to his commission and instruction to me, the copies of which I now deliver to you; and may you in giving your answer make manifest your duty to your King, your love of the English constitution, and your sincere regard to the welfare of the people you represent.

Gentlemen of the Council and General Assembly.—As soon as I shall have received the Assembly's answer, I shall lay before you what I think further necessary for his Majesty's service.

I am sensible that the approaching harvest may make this time of your meeting inconvenient to some of you, but I could not think it proper to meet you till I knew the sentiments of his Majesty's ministers in respect to the Assembly's refusing to grant the support of government in the manner I asked it last fall. And now the pressing hardships that many of the people of this Province are under from their not being paid large sums of money of a long time justly due to them, but more especially the sufferings of the prisoners still detained in Canada, and for whose relief I cannot do what may be proper till you provide for the expense which must attend this service, makes your meeting at this time necessary, and I hope the sufferings and hardships so many of your fellow subjects are under will be of more weight with you than any inconvenience some of you may be under by your being taken from attending the harvest in the country.

G. CLINTON.

Fort George in the City of New York,
the 28th day of June, 1749.

At the same time, the Governor delivered to each House a copy of the following provision in his Commission:

"And our further Will and Pleasure is that all public money raised or which shall be raised by any act to be hereafter made, within our said Province and other the territories depending thereon, be issued out by warrant from you, by and with the advice and consent of our Council, and disposed of by you for the support of the government, and not otherwise."

Also a copy of the 32d item in his instructions, which, after repeating in substance the provision just cited, continued:

"But the Assembly may be nevertheless permitted, from time to time, to view and examine the accounts of money, or value of money, disposed of by virtue of laws made by them, which you are to signify unto them, as there shall be occasion."

The Governor also delivered a copy of item fifteen of the instructions as follows:

"It is his Majesty's express will and pleasure that no law for raising any imposition on wines or other strong liquors, be made to continue for less than one whole year; and that all other laws made for the supply and support of the government shall be indefinite and without limitation, except the same be for a temporary service, and which shall expire and have their full effect within the time therein prefixed."

SPECIAL MESSAGES.

June 30. Thanking the Council for its address.

July 7. The Assembly adopted on the 5th an address to the Governor, the chief feature of which was a reaffirmance of the Assembly's position in favor of annual appropriations. A committee waited on the Governor to inquire when he would receive the address. He asked for a copy of it, and on being told that the committee had none, said he could not receive it until he first had a copy of it. On the return of the committee, the Assembly adopted a resolution declaring it to be "irregular and contrary to the course of parliamentary proceedings for the House to send the copy of an address to his Excellency, which is to be presented to him, by the whole House, or any committee thereof; and that his Excellency has no right to insist on any such copy."

On the 7th, the Governor sent a message to the Assembly, in which after reciting the foregoing resolution, he said:

"How his Excellency comes under the course of Parliamentary proceedings, I know not.

But, Gentlemen, can any of you imagine, that the King receives any address, and to which he immediately returns an answer, without being previously informed of the contents of that address? All of you know that it has been the constant practice of your House, to inform the Governor of the contents of every address, previously to the presenting of it; and I must tell you, that I have a right to be informed of everything which passes in your House, and a right to restrain you, if you go beyond your just bounds.

GENTLEMEN.—The answer which you shall give to the demand I made, perhaps, may be of as great consequence to the people you represent, as anything that ever came under your consideration; and I believe every man that uses common reflection, will think that it deserved the most serious attention of your House; but by the minutes of your proceedings it appears that your House had given no directions to their committee, as to the subject matter of that address; that your committee brought in the address ready ingrossed (for their is no order as usual to engross it, but only the Speaker to sign it) after 9 of the clock of the 5th instant, and the message to know, when I would receive the address, came to me before 10 of the clock before noon of the same day.

Had I not then just reason to think the House had been surprised, or gone precipitately into their approbation of this, and that there might be a design to make me (by surprise) receive what is not proper for me to receive?

But now, Gentlemen, as I know the contents of that address, I tell you I am ready to receive it immediately.

G. CLINTON."

July 12. The Governor sent to the Assembly the following answer to its address:

"In answer to your address of the 5th of this month, I can (with pleasure) reflect upon my own conduct, since the unhappy differences began between you and me.

After every prorogation, I spoke to you at the opening of every new session, as if no difference had preceded; how far otherwise you have done is too remarkable; for what purpose it is done I shall leave to your own consciences and others to judge; but I cannot pass over that continued endeavor to calumniate my administration. For what other purpose have you taken upon yourselves to assert that you are fully persuaded that the prisoners in Canada might long since have been released by those whose Province it is? Let me ask you, Gentlemen, had you any evidence of this before you? I know it is impossible you could, and all the world must think you have but little regard to truth, when in a single half hour your address was read twice, and agreed to by your House; though the greatest number of you must have known nothing of the subject matter of it, as nothing of it appeared in your House before that time.

Whenever this matter shall come before proper judges, it will appear that as to the releasing of prisoners, I have acted truly for the benefit of the community.

The Governor of Canada's design is to withdraw the Indians from us, to make them lose all confidence in us, and with this view, all his negotiations for the exchange of prisoners were transacted; and it is now further made evident by the parties of Indians from Canada, that have made incursions on the northern Colonies, and by his sending large parties to the westward with a view (at least) to destroy the English commerce with the Indian Nations on the Banks of the great lakes.

The Mohawks have delivered up all their prisoners into

the hands of Col. Johnson, and have refused to send deputies to Canada, though again and again invited there by that Governor, with a promise of having all the prisoners delivered up to them. They trust to me solely that I shall procure the release of their prisoners, by virtue of the treaty of peace.

At the conclusion of every war before this, the Five Nations sent deputies to Canada; there they made peace separately for themselves, and entered into engagements with the French. How prejudicial this was to the British interest, and what advantages I have now gained, is too obvious to need any remarks.

But, Gentlemen, unless I be enabled to prosecute the measures I have taken, these advantages will be lost; and if the Indians find that we do not protect them, they must leave us, and turn to the French, and with such resentment, that we shall never be able to recover them.

I could find no man in this place who would undertake any part of this expense which attended my endeavors, to have our prisoners released, on the credit of your resolves. I have been obliged to carry on the whole of this affair on my own private credit, and by money out of my own pocket; and it is no wonder that your credit should be so small, when it is considered that on the 27th of June, 1748, you addressed me to send twenty-five prisoners to Canada, to be exchanged, and assured me that you would make good all such expense as may necessarily attend this service. I did accordingly send a flag of truce with twenty-five French prisoners; the persons I sent went in evident danger of their lives, from the Enemy's skulking Indian parties. They performed the service they were sent on faithfully. Last sessions I recommended to you the providing for this expense; accounts of it were laid before you, and yet you would make no provision for it.

Pray, Gentlemen, consider what is it that has raised this

resentment against me. Can any man say that I have invaded either his liberty or property, or endeavored to hurt his reputation? I have not only advanced large sums, but I have risked my whole fortune for his Majesty's service, and the benefit of this country. Consider on the other hand, the conduct of those who are in opposition to my administration; the behavior of their tools to your fellow subjects in the streets, in the taverns, and in their houses; and how by that opposition the public good and service has been in every instance obstructed, and public calumny propagated; and then, Gentlemen, you and all the world may judge who is under the most unhappy influence.

I must complain of your endeavoring to lead the people of this Province into mistakes, as to the demand I made of you; there is not in my demand, nor in the instructions which accompanied it, the least mention either of a yearly support, or for five years; nor is there in that demand, any reference to what was asked in the preceding session; the demand and instructions principally related to the method of issuing the public money, and as to his Majesty's intention, both in his Commission to me, and his instructions, cannot be mistaken. I know well the present sentiments of his Majesty's ministers, as to this; and you might have at least guessed at them, by the bill lately brought into Parliament, and published in this place, for enforcing the King's instructions. It is an essential part of the English constitution, that the power of granting of the money, and the issuing of it, be in different branches of the constitution, as the best method to prevent misapplications, for if those who grant the money, had likewise the power of distributing it among their friends and relations, under any pretences of public service, there can be none to call them to account for misapplication; whereas, when one branch grants, and another issues, it is natural to think that on any suspicion of misapplication, the granters will demand

an account and satisfaction, if any such misapplication do appear. The truth of this fully appears by experience in this Province, where I am confident it may be made appear, if strict examination were to be made into it.

It is the constant practice in Parliament, to make no provision for any service which is not previously recommended by the King.

You have given money to private persons, not only for services which were not recommended to you to be provided for, but for services, of which I to this day, remain ignorant; and by mixing of the grants in the same bill wherein you provided for the support of government, or other necessary services you put me under the necessity of giving my assent to them, or of leaving the government without support.

This is so dangerous an invasion of his Majesty's prerogative, and so injurious to the people of this Province, that you may assure yourselves it will not be suffered to continue.

In the bill which you prepared last session, for the contingent services of the government, there is a clause impowering Cornelius Van Horne and Paul Richards, two members of your House, to retain in their own hands seven hundred and two pounds, (part of nine hundred and thirty four pounds, of the public money in their hands) for the carrying off French prisoners to the French islands, and bringing back English prisoners in exchange. The payment of this service was not recommended by me, as no application had been made to me for such recommendation; the usual proofs of performance of this service, by the French Governor's letters, and receipts of prisoners, or of the number of prisoners exchanged, were not made to me; and you cannot be ignorant of the general suspicions which prevail in this place, as to the performance of that service. It does not appear by your minutes that you had any proofs

of this service before you, and as there is no mention of it anywhere in your minutes, I could not, nor could any person, not of your House, know that this service was under your consideration, till your clause appeared in your bill for the payment of it; whereas it appears from your minutes, that all the services which I had recommended, had been severally examined into, and proofs made of the service in your House.

Col. Johnson had advanced large sums of money upon the credit of your resolves; and as that Gentleman had otherwise conspicuously distinguished himself in the public service of this Province, I very earnestly recommended the payment of the debts justly due to him; his accounts, and the proofs, were laid before your House. It does not appear by your minutes that any objection was made to the truth of these accounts, and I am confident no well-grounded objection can be made. You had in a former session, directed payment of part of these debts, out of a fund which was exhausted, and now in the last sessions, you provided for the payment of but part of them, and entirely neglected to make provision for the payment of the greater part.

Care was taken that your members should not suffer by my refusing this bill, as more money was in their hands than they asked; but it was otherwise as to Col. Johnson, from whom the money, justly due to him, has been a long time detained.

You know best, for what purpose you call the copies of the instructions, which I sent you, extracts only; when they contain the whole of those instructions, without addition or abbreviation, as is certified by the proper officer; and why you say that I insinuate that I just now received those instructions, when the day of their date was likewise certified to you; this does not discover any great attention in you to what is before you, but rather some influence over

you, that does not tend much to the honor of your House, or of those who make use of this influence.

But, Gentlemen, whatever opinion some people may give you, yet the intention of his Majesty appears so plain, with regard to the issuing of public money, that it cannot be mistaken; and I can assure you that he never will recede from these instructions, and therefore, I must again demand of you to grant his Majesty a revenue for the support of his Government, and to make provision for the payment of the debts due, and future contingencies, in such manner as the money may issue, conformable to his Majesty's commission and instruction, which you have before you, and I must require a categorical answer to this, for I cannot give my assent to any money bill, which shall not be conformable to these instructions; as to other modes and form (as you are pleased to express them) if there be any such in the bill, to which I may think it improper for me to give my assent; yet if you will add a clause to any such bill whereby it shall be restrained from taking effect, or of being in force till his Majesty's pleasure shall be known, and the Council give their consent, I will give my assent to it.

Now, Gentlemen, I have done all that is in my power to put an end to those unhappy differences, which have subsisted so long to the prejudice of the people you represent; I hope, not only the sufferings of many of your fellow subjects, will weigh more with you than any private influence whatsoever; but that you will likewise gratefully consider the great liberties you are indulged with, by the full enjoyment of the English constitution of Government, and how unwise it is to attempt any alteration of it. Consider likewise, what may be the consequences, should our mother country suspect, that you have design to lessen the prerogative of the Crown in the plantations; the Romans did not allow the same privileges to their colonies, which the other citizens enjoyed; and you know in what manner the repub-

lic of Holland governs her colonies; endeavor then to show your great thankfulness for the great privileges you enjoy.

G. CLINTON."

July 17. The Assembly replied to this message in another address on the 14th, defending its position, and substantially reiterating the arguments contained in the address of the 5th. The last address having been tendered to the Governor, he refused it as appears by the following message, which was sent to the Assembly on the 17th:

"However becoming you may think it in yourselves, to make the address which I have seen in your minutes of the 14th instant, I do not think it proper for me to receive it.

And since you have refused to grant a support for his Majesty's government, in a manner conformable to his commission to me, by the authority of which only the legislature of this Province is allowed to make laws, or to levy money on its subjects, or in conformity with his 23d instruction, I must let this rest, till I shall know his Majesty's pleasure thereon.

But, Gentlemen, however I may think it proper to bear any injury offered to myself, yet my duty requires me to use my best endeavors, that justice be done to all his Majesty's subjects committed to my care; and therefore, I must earnestly recommend to you to make provision for the payment of the debts which are justly due, either for moneys advanced on the credit of this government, or services done. An account of both shall be laid before you, as soon as conveniently can be done, after I shall know your resolution to provide for them.

The great sufferings of his Majesty's subjects, who have the misfortune to be taken prisoners, and are detained still in Canada, notwithstanding of the peace, and of the Indians who are likewise prisoners there, under great sufferings,

who entered into the war at our instigation, and fought for us, I hope will make you think it your duty to make sufficient provision for the expense that must attend the endeavors which shall be made for obtaining their liberty, and of sending proper persons to Canada for that purpose; if this be not speedily done, the Six Nations will lose all confidence in us, and will enter into negotiations with the French separately from us, the bad consequences of which are too obvious to require my setting them forth at large.

As I am very desirous of removing every thing that may occasion any dispute or difference afterwards, I think it proper to tell you, that if you think any service or debt ought to be paid besides what I recommended to you, that it be done in a separate bill, that I, or the Council, may not be put to any restraint in giving our consent to it. This is the more necessary, because of a clause you make, that the Council have no right to amend any part of any bill, which you call a money bill.

The regard which is due to his Majesty, in approving or disallowing any law passed in this Province, I hope, will likewise make you think that what I propose is proper; and that you may more certainly know his Majesty's pleasure in this, and such like cases, I send you a copy of his twelfth instruction to me.

G. CLINTON."

The following is a copy of the twelfth instruction transmitted by the Governor:

"You are to observe in the passing of all laws, that the style of enacting the same, be by the Governor, Council and Assembly, and no other; you are also, as much as possible, to observe in the passing of all laws, that whatever may be requisite upon each different matter, be accordingly provided for, by a different law, without intermixing in one and the same act, such things, as have no proper relation to each other; and you are more especially

to take care, that no clause or clauses be inserted in, or annexed to any act, which shall be foreign to what the title of such respective act imports, and that no perpetual clause be part of any temporary law, and that no act whatsoever be suspended, altered, continued, revived or repealed, by general words; but that the title and date of such act so suspended, altered, continued, revived or repealed, be particularly mentioned and expressed in the enacting part."

The next day the Assembly adopted resolutions protesting against the Governor's refusal to receive the address, asserting the Assembly's right of access to the Governor for the transaction of proper public business, and affirming that the Assembly could not in faithfulness to the people "proceed on any business whatsoever, until they be satisfied in relation to the violation of their just and undoubted privilege of having access to his Excellency for transacting the public business of this colony."

July 20. The Governor on receipt of the foregoing resolutions sent the following message to the Assembly:

"In answer to your resolves of the 18th instant, I must tell you that as your address of the fourteenth stands on the minutes of your House, it plainly appears from the whole tenor of it, and more particularly from the following words, 'we leave every impartial reader to judge,' was not designed to me, but to the people without doors, through me; with what propriety can such words be spoken in an address to me? And as I have the same reasons for refusing an address of the like nature with this, I shall repeat the reasons I gave when I prorogued your House on the 12th of November last."

[The Governor here quotes from his speech of November 12, and continues.]

"I now again assure you that I will lay your address, as it appears in your minutes, together with your resolves, before his Majesty's ministers; and I shall most earnestly

pray, that his Majesty do justice thereon. I hope this is giving you sufficient satisfaction.

I must put you in mind, that in the demand of satisfaction in the manner you do, you forget your dependency, and that both you and I have superiors, who are the proper judges of our actions, and capable to give redress for any injury that either of us shall receive.

Pray, Gentlemen, consider that I ask nothing for myself, and that it will be a poor satisfaction to keep the creditors of the government from the money that is justly due to them.

I must again press you to consider, that unless you enable me to defray the expense that must attend the necessary measures for obtaining the liberty of the prisoners in Canada, and particularly of the Indian prisoners, now when the Indians have refused to go to Canada, and treat with the Governor there, and trust to us entirely for obtaining the liberty of their countrymen, who were taken prisoners fighting in our cause; if this be not speedily done (for they already begin to lose their patience) you may be assured that the Indians will lose all confidence in us, and enter into negotiations with the French, highly prejudicial to the interest and safety of all the British colonies in North America.

Consider likewise, that there is a growing expense on the Province in maintaining and keeping the French prisoners who were in the hands of the Indians, and which they have delivered up to Col. Johnson.

Surely you can have no satisfaction in the view of the measures which attend your countrymen, prisoners in Canada, or of the mischiefs which may follow, on the Indians withdrawing their fidelity to the Crown of Great Britain, and placing their confidence in the French.

Let me conjure you then, Gentlemen, to take pity on the public creditors, and provide for a service so necessary

for the well being and future security of the people you represent; I must add, any attempt to make provision for the payment of the debts, and other necessary services, in a method contradictory to his Majesty's instructions, whereof you have received copies, will be in effect a refusal.

I shall readily agree to any method for the payment of the debts, or public services, which has no other tendency than to prevent embezzlements of the public money; and surely some method may be thought of without any entire breach of the constitution of government, which his Majesty has established in this Province, and the taking the executive powers out of the King's hands. No man can imagine that his Majesty's instructions are calculated with a view to encourage misapplication of any kind.

Our actions will best show who are the sincere and hearty friends of the people of this Province, and will likewise show our duty to his Majesty, in paying a proper regard to the royal instructions, from which I cannot deviate.

G. CLINTON."

The next day the Assembly adopted a resolution declaring that the Governor's answer was not satisfactory. This resolution was communicated to the Governor, but it elicited no response except that he said it was "very well."

August 4. A joint meeting of the two Houses having been called the Governor delivered the following speech:

"I am truly sorry, that this session of the General Assembly must end without producing any one thing for the benefit of the people you represent.

I was in hopes of having an opportunity, of showing by acts, more than by words, my sincere intentions for the welfare of the people under my care; but you have made it too evidently appear that you met together, not to proceed on business, but to prevent everything that might be pro-

posed for removing the differences which have most unhappily for this Province subsisted between the branches of the Legislature.

You have not so much as introduced one bill for this purpose, or for the benefit of the people you represent; though you pride yourselves on some occasion, in following the precedents in Parliament, I thing you cannot show one session of Parliament in which not one bill was read; yet this is the case of this present session; and this makes it evident that you met together with a view, not to heal past but to create new differences; not to serve your country, but private piques and resentments.

It cannot be said that I proposed anything to you which it was not my duty to do; in return to this, you in the following words, with a sneer, renew past cavils at my administration, and which had been long since answered, viz.

'We assure your Excellency that we sincerely wish the breaking open of the store house at Albany; the letters wrote to the judge, clerk and sheriff of Dutchess County, requiring them to put a stop to proceedings in cases of private property, the attempts made to restrain the liberty of press, and other things of like kind could be buried in perpetual oblivion.'

Since you think it proper to renew these charges, it is necessary for me to repeat the purport of the answers formerly given to them; the case of breaking open the store houses at Albany was as follows, viz.

After any attempt on Canada was thought impracticable in that season of the year, I resolved to march the troops that had rendezvoused at Albany to the Great Carrying Place, by which everything must pass in going to Canada; and there under cover of these troops, to erect some kind of fortification, capable of containing 500 men; such kind of fortification would be necessary for security of the stores, &c. in their transportation,

in case the intended enterprise against Canada should in the spring have been removed; and in doing it then, while the troops were idle, would have saved time. As this is a pass by which the enemy make their incursions on our frontiers, the enemy's parties could not escape being discovered, and intercepted by such a number of men, either in their going towards, or returning from the frontiers; and it was thought nothing else could be of so much benefit for that purpose.

When this was resolved on, I desired Mr. Colden to ask the Assembly commissioners for provisions, whether they would take care of provisions in the march of these troops to the Carrying Place, and whilst there? Mr. Colden, acquainted the commissioners with my design, and I told them, as the Assembly had entrusted them with the care of the provisions, I was desirous that they should take care of them, but that if they refused I should be under a necessity to appoint some other for that service. They objected that the Assembly had not provided for the transportation. Mr. Colden in answer to this said, that as the Assembly had undertaken to find the troops levied in this Province with provisions, they certainly included to pay the transportation, being an inseparable incident to that service. But when the Commissioners would not trust to the Assembly for this expense, Mr. Colden, from me, told them that I would engage to pay the charge of transportation, in case the Assembly refused to pay it; and on this they agreed to take care of the provisions as was desired, and I left the place, expecting they would do so; Mr. Colden informed me, that he made use of no other words with the Commissioners, or any kind of threatening, but as in substance as above related.

Before I left the place, as it was doubted whether a sufficient number of carriages and carpenters, or other tradesmen could be obtained without impressing, I issued a press

warrant in the same words which had been agreed in a full Council in New York, before I went to Albany. It was several days after I had left Albany, and when the forces were all ready for their march, the wagons, &c., in the streets, when the Commissioners refused to deliver out any provisions to be carried with them. Thereupon the officers held a Council of War, and there resolved to make use of my general warrant for impressing, to take the provisions by force; and at the same time offered to give receipts for what was taken. It has not been so much as pretended that any of the provision was embezzled by that act, or converted to any other use than that for which they were intended by the stopping of the provisions; this service, so useful for the security of the Province, became impracticable; and this, among many others, evidently shows the inconveniences and absurdities which must continually attend the Assembly's assuming to themselves the executive powers of government.

The occasion of writing the letters mentioned, was this, after the forces levied for the expedition against Canada, were disbanded, some deserters sued their Captain for their pay; and as it was suspected, that a country jury might not have the due regard to the martial law and mutiny act, in such cases, I was persuaded to write those letters; the proceedings at law were not thereby stopped and no man suffered any injury in his property thereby; I acknowledged my error in doing it, and offered redress, as appears by your minutes of the 27th of June, 1748; and how becoming it is in you to renew this complaint, after what I had formerly done, you yourselves, in cooler reflections, may think.

As to what you call an attempt to restrain the liberty of the press, I did nothing but what was my duty, in endeavoring to prevent the publication of a libel against the government. The printer receives a yearly salary from the govern-

ment; and notwithstanding of this, he not only continues to print injurious reflections and falsehoods against the administration of government in this Province, but likewise lampoons and sarcasms on the administration of government in Great Britain, and that on matters of the highest nature; in the bill for contingent services, you gave this printer a gratuity, over and above his salary, to encourage him for those his extra services.

As to the other things of the like kind, which you add to these particular charges, no man who observes your present and past disposition of mind, can believe that if I had made any slips on which you could have laid hold, that you would have concealed them; but have published them with all the aggravations that could have been contrived to blacken my character; and after all that you can say, I still have the pleasure in my own breast, to think that no man in this Province can say that I have injured him either in his liberty, property or reputation; and that no Governor ever had or can have a greater inclination to do everything in his power for the welfare of the people of this Province.

Whether your actions be a proof of the regard you have to the preservation of public credit, and to the prosperity and security of the people you represent, I shall leave with yourselves to reflect on.

You have made use of the sense of justice due to the public creditors, and the compassion I have for them, under the difficulties some of them labor, by having large sums detained from them, of a long time due, as a temptation to draw me from my duty, and I hope they are sensible that it is not my fault that they have no relief.

Your refusing to grant the necessary supplies for obtaining the liberty of your fellow subjects, prisoners in Canada, could proceed only from the same design. I have kept you together near a fortnight, after you had broke off

all intercourse between your Governor and you, in hopes that your compassion for your distressed brethren in Canada, and the safety of the people of this Province, by preserving the fidelity of the Indians would at last prevail with you to give the necessary supplies for that purpose; whatever motive prevailed at last with you, to provide in some sort for this service, yet rather than recede from that unparalleled resolve, of having no further intercourse with your Governor, you broke through all the established rules and orders of government, in giving money for it.

However you may be blamed for this extraordinary conduct at this time, I hope the necessity of the service, and your obstinacy, will excuse me.

I come now to a paragraph in your address (as you call it) of the 14th of last month, which is highly injurious to the form of government established in this Province, to the King and his ministry, and to all his Majesty's Governors in the plantations; the purport of which is to make the people believe that a sort of beggars are sent over Governors of his Majesty's colonies, with a view that they may enrich themselves, and that the powers and instructions given by the King to his Governors are calculated to that purpose; and that this is the reason why you refuse to yield obedience to them; can anything appear more daringly undutiful, or be more injurious than this insinuation?

I shall answer it by considering what facts have happened in this Province to support so heavy a charge. If I had drawn any the least sum of money out of the treasury for any other purpose than that for which it was granted, no doubt it would have been exposed in the most glaring light; and as nothing of this kind is alleged, I stand innocent; I have likewise, carefully examined the minutes of Council and Assembly on this head for thirty years past, and I cannot find that any Governor has at any time been charged with having drawn any public money for his own

use, either directly or indirectly, other than what the granters designed he should draw for that purpose; and I am persuaded no instance can be given, I offered my consent to any clause in the money bill, which has no other tendency than to prevent misapplication of the money granted; surely then this egregious slander on his Majesty's government and Governors, must be for some other purposes than preventing of embezzlement of the public money, and it must be for some other purpose that you treat the person of your present Governor with the insolence you do; such as can no where be paralleled, but where there was a formed design to overturn the government.

You have refused to grant money for the necessary services pursuant to the powers of his Majesty's commission, by which only you are impowered to sit and act as the General Assembly of this Province. You must then think, that you can levy money on his Majesty's subjects by some other authority, different from that which the King has given.

You claim the sole power of issuing the public money, which is in effect taking the executive powers of government into your own hands.

You appropriate the salaries, not to the office, but to the officer by name, with a view to deprive his Majesty of his right to the nomination of offices.

You have in a manner, for which I am persuaded no precedent can be given, put a stop to all public business, and any intercourse between his Majesty's Governor and Assembly. Matters are now brought to an issue, and must be left to the judgment of our superiors.

GENTLEMEN.—I believe, that you yourselves, and all without doors, who are acquainted with your public proceedings, expect a dissolution of the present Assembly, but as the matters in dispute are now brought to an issue,

and by a dissolution it may be said, that I disable you from making a proper defence, if you should after this be called to answer for what has been done, I am unwilling to be thought to take any such advantage, but as you have already continued twelve days (since your resolution to go on no business) without entering upon any, and your constituents are thereby put to an useless expense, a prorogation is become necessary, and the General Assembly of this Province is accordingly prorogued to the twelfth day of September next, then to meet here.

G. CLINTON."

August 4. The Assembly was prorogued to the 12th day of September, but this Assembly did not meet again. After several prorogations, it was dissolved on the 21st of July, 1750. No laws were passed at this session.

1750. SEPTEMBER. TWENTY-SIXTH ASSEMBLY, FIRST SESSION.

GEORGE CLINTON, Governor.

The new Assembly met the 4th of September, and on the same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL, AND GENERAL ASSEMBLY.—One great inducement for my calling you together at this time is to give you an opportunity of making a proper and seasonable provision for that important garrison at Oswego, which has been supported by advance on the public credit; but as none are willing to advance longer on that credit, it becomes necessary that this expense be immediately provided for, not only to pay what is already due

to the person who has supplied that garrison for some time past, but likewise for its future support. The mischiefs which must happen by withdrawing that garrison are too obvious to need mentioning, and unless the necessary supplies be granted, they cannot be avoided.[1]

The present state and the security of the frontiers for the future likewise deserve your serious attention. This can be done properly in time of peace only. It is too late to think of it when we are threatened with or in actual war; it may then become impracticable. The necessary expense becomes so heavy on the people in time of war, that it ought (as much as possible) to be lessened by a previous care in what is in your power to do in time of peace.

It has (I am informed) been usual for the Governors of this Province to meet the Indian nations depending on this government after the conclusion of a peace. As no provision has been made for the necessary expense attending this service, it has not been in my power to perform it. I am afraid this may have a bad effect on the minds of the Indians at this time when the French of Canada (according to the informations I have received) are indefatigable in infusing prejudices into them to our disadvantage. I am likewise informed that the French have incited several of the Indian nations depending on and in alliance with the English colonies to make war on each other. This requires a speedy remedy, as these intrigues of the French are not only destructive of the extensive and beneficial commerce the English have with numerous Indian nations, but may likewise render the safety of the colonies precarious hereafter. I cannot doubt of your using all the means in your power for preserving and enlarging the British commerce

[1] Appropriations for Oswego were made by two acts passed November 24th; one, chap. 895, continuing former acts, and the other, chap. 900, providing for the debts of the colony, the latter of which related chiefly to advances made by Col. William Johnson.

among the Indians and for securing their fidelity; and that you will enable me to pursue the measures necessary for that end.[2]

The government of this Province has been now two years without any support. This not only requires your care in regard to what is due to the officers of government for their past services and the contingent charges which have already occurred, but likewise for the future support of the government.[3] In doing this, no better rule can be followed than that which is given in the commission to the Governors of this Province (which is the foundation of the legislative authority in it), and the royal instructions which accompany those commissions, copies of which, so far as relates to the support of government and the manner of raising and issuing of the public money, are on your registers. On this occasion I must remark that the commission and instructions on these matters have remained the same ever since the happy Revolution. They were formed by the great ministers who distinguished themselves at that time by their knowledge of and zeal for the English constitution and liberty of the people; they have been revived from time to time, and confirmed by the judgment of succeeding ministers who have no less distinguished themselves by their strictly adhering to the constitution, and by their love of the country. They therefore, as well as the authority with which they are enforced, deserve your strictest regard.

I hope I need not with many words recommend the observance of that instruction which forbids matters of a

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[2] The act passed November 24th, for salaries and services, chap. 901, appropriated eight hundred pounds to be used by the Governor in making presents to the Indians after April 1, 1751, and also one hundred and fifty pounds for his expenses in going to Albany and renewing a treaty with the Indians.

[3] An act for the support of government, chap. 876, reviving and continuing former acts, was passed September 11th, to be in force from the date of its publication to January 1, 1751.

different nature to be included in the same bill. This is done not only to preserve the freedom of judgment in the several branches of the Legislature from any constraint, but likewise to preserve the King's right in confirming or repealing the laws passed in this Province, and which must seem to be designedly invaded when matters necessary for his service are tacked to others which he may think prejudicial. On this head I must observe that it is not usual in Parliament to make provision for any services which have not been previously recommended, and that the mixing services which have been thus allowed with those that are not, may be thought an attempt to bar the right which the King has of judging of the merits of his servants and their services.

GENTLEMEN OF THE ASSEMBLY.—I must demand of you the necessary supplies for the services which I have recommended to your consideration, and particularly to make provision for the garrison of Oswego, the support of government, and the payment of the public debts, which have for some time been so justly due, particularly Colonel Johnson's, who so generously advanced for the public service, accounts of which shall be laid before you.[a] You have now a fair opportunity of demonstrating your loyalty to your King, and your attachment to the interest and welfare of your country.

GENTLEMEN OF THE COUNCIL AND ASSEMBLY.—I choose to show my inclinations to do everything in my power for the peace and prosperity of the people of this Province, by my actions rather than by words, by a cheerful concurrence with you in everything that may be for his Majesty's service and the good of his people. I earnestly recommend to you to think of what means may best encourage the agriculture and trade of the Province, or such manufactures as may be the most useful to your mother country.

[a] See note 1.

You may learn from the act for the encouragement of the importation of iron into Great Britain from the colonies passed in the last session of Parliament, and from the act for the encouraging of the whale fishery, and the manufacturing of indigo, that you may expect all proper encouragement for such purposes.[4]

G. CLINTON.

Fort George in the City of New York,
September 4th, 1750.

SPECIAL MESSAGES.

September 6. Thanking the Council and the Assembly for their addresses.

September 7. Transmitting various accounts for services rendered to the colony.

September 12. Transmitting, in response to the Assembly's request, a statement of the number of persons sent from Canada to treat touching the exchange of prisoners in September, 1748, and February, 1749, and also claims for expenses incurred on account of the visit of such commissioners;[5] also transmitting a petition presented by Peter de Joncourt requesting compensation for services in translating several public documents.[6]

September 17. The Assembly on the 14th having requested the Governor to give directions for the reprinting and more effectual execution of the act "to prevent the further importation of copper money into this colony" passed December 16, 1737, he replied that, acting on the

[4] An act passed November 24th, chap. 882, continued an act for the encouragement of whaling passed in 1708.

[5] Several appropriations for the entertainment of French commissioners and the subsistence of prisoners were made by the act for the payment of colonial debts, chap. 900, passed November 24th.

[6] Payment of the claim of Peter de Joncourt was provided for by the act, chap. 900, for the payment of debts of the colony, passed November 24th.

advice of the Council, he had ordered the law to be reprinted, and had given directions for its proper execution.

September 20. Transmitting an account of Col. William Johnson for supplies furnished to French prisoners between February 20, 1749, and June 30, 1750. (See note 5.)

September 25. The Governor sent the following message to the Assembly:

"I have received by the last post a letter from Governor Hamilton, a copy of which, together with copies of some papers enclosed in said letter, I now send to you, with an extract from a letter to me from Col. Johnson; from all of them, you will perceive how necessary it is for you to enable me without delay, to secure the fidelity of the Indian nations in alliance with the British Colonies, and to remove the jealousies which have been artfully infused into their minds by the French of Canada, by granting the supplies necessary for these purposes. I must therefore, earnestly recommend to you, to take this matter into your serious deliberation, that the mischiefs which threatens all the colonies in North America may be prevented before it become too late. (See note 2.)

You will perceive from Mr. Hamilton's letter, that the government of Pennsylvania expects that we will join in bearing part of the expense of securing the fidelity of the Indians on Ohio River.

I cannot give any proper answer to his letter, till I know your resolution, whether you will contribute to that expense.

G. CLINTON."

At the same time the Governor transmitted a copy of Governor Hamilton's letter, and an extract of Col. William Johnson's letter, with the other papers.

To this message, the Assembly on the 27th replied as follows:

"We his Majesty's most dutiful and loyal subjects, the General Assembly of the Colony of New York, have with all due attention considered your Excellency's message of

the 25th instant, the copy of Governor Hamilton's letter of the 20th instant, the extract of Col. Johnson's letter of the 18th of August last, and the other papers herewith communicated to us, touching the present state of Indian affairs, and humbly beg leave to represent to your Excellency, that the people of this Colony, have in all times past, exerted their utmost efforts at a very great annual expense, to secure and retain the Indian nations in the British interest, and are still willing to contribute according to their abilities, towards preserving the Five Nations (on whom many other great and numerous Nations depend) in their attachment to his Majesty. But humbly beg leave to observe to your Excellency, that we have been put to an almost insupportable expense not unknown to your Excellency during the late war, to secure our frontiers against the incursions of the common enemy, to which by our situation we were continually exposed; by this means, sir, all our public funds are exhausted, and a debt of many thousand pounds incurred, which remains still unpaid; in these circumstances your Excellency must be sensible, that we are at present in no condition to comply with Governor Hamilton's proposals; and must further beg leave to observe to your Excellency, that as in the late war, we in defending our own frontiers, which lie between the enemy and our neighboring colonies to the Westward, did in a great measure, without any contribution of assistance from them, secure their inhabitants from all that desolation, blood, rapine and captivity, to which numbers of poor people of this Colony were then exposed; so we conceive it just and reasonable, that they should now, at their own expense, secure the fidelity of those Indian Nations, who are seated much nearer to them than to us, a work of far less difficulty, expense and hazard, than what we by our situation ever have, and ever must, whilst the French are masters of Canada, continue to be exposed to; and this we beg

your Excellency will be pleased to represent to Governor Hamilton, and the other Governors of his Majesty's colonies to the Westward.

From the intelligence Col. Johnson gives your Excellency, in his letter of the 18th of August last, it appears to us necessary that your Excellency should without delay meet our Five Nations of Indians, in order to dispel and remove all the jealousies which the French emissaries have artfully infused into them, to the prejudice of his Majesty's interest among them, and if possible to prevent any defection among those nations; and if your Excellency is of the same opinion, we will immediately enable you to make them a suitable present on this occasion, and will make the usual provision for the expense of your Excellency's voyage to Albany." (See note 2.)

September 28. The Governor sent the following message to the Assembly in response to the foregoing address:

"I shall by the first opportunity acquaint Governor Hamilton and the rest of the governments to the westward, with your sentiments of the Indian affairs; I must allow that his Majesty, as well as this government, have been at a very considerable expense in securing the fidelity of the Six Nations of Indians in the British interest; and I shall be still always ready to do everything in my power to preserve their friendship, whenever you will enable me in a proper manner to perform that service. (See note 2.)

GEO. CLINTON."

September 28. Presenting accounts of Arent Stephens and John Fisher for their services in going to Canada with a flag of truce by the Governor's order, in February, 1749;[7] also accounts of Isaac Van Dam and William Peters for the entertainment of French commissioners. (See note 5.)

[7] The claims of Arent Stephens and John Fisher were provided for by the act, chap. 900, for the payment of debts of the colony, passed November 24th.

October 5. Transmitting a letter and papers received from Col. William Johnson.

October 16. The Governor sent the following message to the Assembly:

"His Majesty's Council for this Province have advised me to send to you a copy of a letter from Governor Hamilton, that thereby, and by the papers which were lately communicated to you, you may see the necessity of enabling me to do what at this time can be done for securing the fidelity of the Six Nations; and particularly to send smiths, as usual, and other proper persons with sufficient presents to guard against the artifices of the French, and to assure them of my design to meet them as soon as the season of the year will permit; the Council being of opinion that it is impracticable for me to meet the Six Nations at this time. (See note 2.)

GEO. CLINTON."

October 19. Recommending measures for repairs to garrisons and the completion of the house and stables belonging to the fort.[8]

October 25. Presenting an account of Joseph Bruning for medical service to French prisoners, and also an account of Jacobus Van Zandt for work done in Fort George.[9]

November 5. Transmitting several papers received from Governor Hamilton of Pennsylvania relating to Indian affairs.

November 24. The Assembly was prorogued to the first Tuesday in April, 1751.

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[8] Chap. 900, for the payment of the debts of the colony, passed November 24th, made appropriations for garrisons and for completing the Governor's house and stable.

[9] The claims of Joseph Bruning and Jacobus Van Zandt were provided for by an appropriation made by the act, chap. 900, for the payment of the debts of the colony, passed November 24th.

1751. MAY. TWENTY-SIXTH ASSEMBLY, SECOND SESSION.

GEORGE CLINTON, Governor.

The Assembly met for the transaction of business on the 30th, and the same day the Governor delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— It is with the greatest concern that I am to acquaint you with the death of his Royal Highness the Prince of Wales. The grief upon this melancholy occasion is great and general; it is however a great comfort to his Majesty's faithful servants to hear that his health is entirely re-established, and that her Royal Highness the Princess of Wales, and all the rest of the royal family, are as well as can be expected in the present circumstances.

I most heartily condole with you upon this unfortunate occasion.[1]

The securing the fidelity of the Six Nations of Indians to the British interest is so absolutely necessary for the safety and prosperity of this Province that every step should be taken that will contribute to that end.

As I am to meet the Indians at Albany the latter end of next month, I thought it for his Majesty's service to call you together before I went that you might enable me in the most effectual manner to secure and preserve their fidelity.

I imagine you are not unacquainted with the methods the French take to bring those Nations over to their interest, and we on our parts should pursue every method to counteract them.

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[1] On the 6th of June the Governor, Council and Assembly joined in an address of condolence to the King on the death of the Prince of Wales.

The steps I have taken with the neighboring Governors for that purpose will appear by the papers which I shall order to be laid before you.

GENTLEMEN OF THE GENERAL ASSEMBLY.— There is no provision made (as has usually been done) for the contingent charges which daily occur in taking care of the Indian affairs; I must therefore recommend to you to make provision for this service.

The sum granted the last session for presents to the Six Nations of Indians, I do not think sufficient at this time to answer the ends you propose; therefore it becomes you, Gentlemen, that will soonest feel the effects of their going over to the French, to act properly upon this occasion.

You see, Gentlemen, with what earnestness I press this subject upon you, and I hope I shall have the pleasure of seeing the desired effect of it; I think it of such visible advantage, and so necessary to the common good and safety of your country, that I should have justly blamed myself if I had not pressed it at this time.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The time of meeting the Indians requires all possible dispatch in coming to such resolutions as you shall think proper on the matters I have recommended to your consideration.

G. CLINTON.

Fort George in the City of New York.
30th of May, 1751.

SPECIAL MESSAGES.

June 1. The Governor sent the following message to the Assembly:

"I have received information that the Mohawk Indians are exceedingly displeased that by the third clause of an act passed last session (entitled An Act to continue the two acts therein mentioned, for supporting the garrison and trading house at Oswego) all goods sold to them are sub-

jected to the same duty with Indian goods sold at Oswego; whereby they cannot buy goods at the same rate which their neighbors the Christians (with whom they are intermixed in their habitations) buy them. This I apprehend may be of prejudice to me, in the treaty I design soon to have with the Six Nations; I must, therefore, recommend it to your consideration to give a proper remedy.

GEO. CLINTON."

Other papers relating to Indian affairs were delivered with the message.

The Assembly, speaking through a resolution adopted the same day, expressed the opinion that the paragraph referred to by the Governor did not impose any new duties, nor change existing conditions, "but subjects such goods, as are made dutiable by the said acts, if sold within the limits therein mentioned, to any other persons than inhabitants of the County of Albany, for their own family's use, to the same duties as if sold to Indians."

June 1. Thanking the Council for its address.

June 5. Replying to the Assembly's address, the Governor said:

"I thank you for this address, and for the satisfaction you express in the steps I have taken in order to join all his Majesty's government in the intended treaty at Albany. I gave you all the light in my power to show the necessity of your adding to the allowance made for this service at a time when the French are indefatigable with a great expense to our prejudice; I have too many reasons to fear that the sum you have granted is not sufficient; however, particular care shall be taken in the disposal of it most effectually for preserving the fidelity of the Indians, and the good of this Province.

GEO. CLINTON."

June 6. The Assembly was prorogued to the 6th of August. No acts were passed at this session.

GEORGE CLINTON, Governor.

The Assembly, after several prorogations, resumed business on the 8th of October, at which time the Governor delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND ASSEMBLY.—I have delayed calling you together till this time that it might be more convenient for yourselves. You know it is now necessary to provide for the support of his Majesty's government in this Province. [1] I must at the same time earnestly recommend the payment of the debts still due for past services which remain unpaid. This is necessary, not only in justice to the creditors, but for preserving the public credit for the future.

The present state of the Indian affairs deserves your most serious attention. The French are more than commonly assiduous in withdrawing the affection of the Indians from us and in obstructing the British trade everywhere among them, for which purposes they are at a very great expense.

There being no supplies granted, as was formerly usual, for employing proper persons in the care of Indian affairs, Col. Johnson (who for some years past has been so successful in that service) has advanced a very considerable sum on the credit of the government; but he has since declared that he cannot continue in this service, which is attended

[1] The act for the support of government, chapter 918, passed November 25th, was to be in force for "one whole year" from the 1st of January, 1752. It revived and continued earlier acts on the same subject, and was apparently intended to cover the year 1751, for which no provision had been expressly made by previous appropriation acts.

with considerable daily expense, as well as personal fatigue, unless proper allowances be made to enable him to perform it.

From the informations which I have received, and which shall be communicated to you, it will appear necessary not only to provide for the usual annual expense which attends the management of Indian affairs and of sending smiths to reside among them, but likewise of sending proper persons to the more distant nations to prevent the designs of the French, and removing any bad impressions they may have made upon them.

The preserving the fidelity of the Indians is evidently of such consequence to the future security and prosperity of this Province that I need not add anything more to draw your attention on this head.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I must recommend to you to give the necessary supplies for the services I have mentioned, and for the contingent expense that must at all times unavoidably attend the administration of government, and that in doing this you will have that regard which is due to the directions in his Majesty's commission and instructions to me.[2]

Accounts of the public debts shall in a proper time be laid before you.

GENTLEMEN OF THE COUNCIL AND ASSEMBLY.—It will give me the greatest pleasure to join with you in everything for the benefit of the people under my care, and you may depend on my hearty concurrence with you in any measures for advancing the prosperity of this Province.

G. CLINTON.

Fort George in New York,
8th October, 1751.

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[2] The usual act to provide for salaries and services, chapter 920, was passed November 25th.

SPECIAL MESSAGES.

October 10. Thanking the Council for its address.

October 14. The Governor, replying to the Assembly's address presented on the 11th, said in part:

"The effects of the meeting I had with the Indians last summer at Albany, and the presents I then gave them, were evident; but unless the expense of a daily care of the Indian affairs be provided for, the good impressions then made on them will soon be effaced by the continued and indefatigable endeavors of the French emissaries among them, made at a very great and unusual expense, which will appear to you by some of the papers that I told you I intend to communicate to you for your better information.

It is prudent in time of peace to provide against the contingencies which may happen in case of war; more especially when we see our neighbors the French so diligently providing for such an emergency.

Gentlemen.—I can have no view in urging so strongly the consideration of the Indian Affairs, but the safety and prosperity of the people you represent; and I shall be very sorry to have no other satisfaction in my endeavors, but that which will arise from my own breast, in having done all that is in my power.

To remove any jealousies which may be entertained as to the disposition of the thousand pounds that you granted for presents to the Indians, I shall order an account to be laid before you."

October 15. Presenting accounts showing the distribution of one thousand pounds appropriated for presents to the Indians.

October 16. Recommending the consideration of a memorial presented by Mr. Kennedy for money advanced for the use of the colony.

October 17. Presenting Col. William Johnson's account

for services and expenses in connection with the cessation of hostilities at the close of the recent war, and also transmitting other accounts.

October 18. Transmitting an account presented by Dr. Richard Shuckburgh for medical services to Indians and others.[3]

October 21. Transmitting information relative to Indian affairs, also a petition by traders at Oswego.

October 25. Transmitting papers relating to the garrison at Oswego.

October 29. Transmitting a copy of a letter from John Mills at Oswego relative to Indian affairs.

November 16. Transmitting an account presented by David Vanderhyden for his services in going to Canada by order of the Governor and Council in 1749.

November 21. The Assembly presented an address to the Governor, in which doubt was expressed whether the money appropriated for Indian presents had been properly applied, suggesting that further appropriations would not be made until the Assembly received assurances that the matter would be placed upon a proper foundation, and that provision would be made for the trading house at Oswego as soon as estimates of the probable expense should be received. The Governor replied by saying that he would submit the address to the Council for its advice.

November 23. The Council replied to the Governor's request by an address, explaining with some detail the appropriation and expenditure of money connected with Indian affairs, remarking that it was "usual on the conclusion of a peace, for the Governor of this Province to have an interview with the Six Nations, to take out of their hands the hatchet which he had delivered to them at the beginning of the war, and thank them for their assistance,

[3] The claim of Dr. Richard Shuckburgh was provided for in an act making general appropriations, chapter 936, passed July 4, 1753.

and to make them presents on that occasion," but that this service was not performed at the close of the late war because an appropriation had not been made for that purpose. The address observes that Col. Johnson had managed Indian affairs with "great prudence and success" and had advanced large sums in the course of his administration which had not yet been repaid. As to the Oswego matter, the Council thought sufficient information had already been presented to the Legislature to enable it to make the needed appropriations.

The Governor thanked the Council for the address, but did not present the subject to the Assembly.

November 23. The Governor sent the following message to the Assembly:

"Col. Johnson, at the conclusion of the last war, prevailed on the Indians not to go to Canada to exchange their prisoners, as had been usual in former times, but to give up their prisoners to me, to be delivered at the general exchange of prisoners on both sides, and to trust to their being taken care of, as subjects of the Crown of Great Britain.

The French have been indefatigable to defeat a resolution of such consequence, and continue their endeavors for that purpose, as will appear by the copy of the letter from the interpreter which I now send you.

GEO. CLINTON."

November 25. After publishing the acts passed at this session, the Assembly was dissolved.

GEORGE CLINTON, Governor.

This Assembly was called under writs of election returnable February 25, 1752, but it did not meet until October 24, when the Governor delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—As sundry acts which greatly concern the trade and welfare of this Province will by their own limitation expire the first day of January next, I have appointed this meeting with you to give you an opportunity, either to continue those acts or provide other ways in the place of them.

The state of the Indian affairs and of the frontier forts and fortifications in general, require your most serious consideration, timely provision and aid. I shall by the deputy secretary lay before you the informations I have had concerning them.[1]

GENTLEMEN OF THE GENERAL ASSEMBLY.—The season of the year will naturally lead you to make provision for the support of his Majesty's government.[2]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I assure you that whatever bills you shall agree on for the benefit of this Province, consistent with my duty to pass, shall most readily have my assent.

G. CLINTON.

City of New York, 24th October, 1752.

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1 An act was passed November 11th, chap. 927, continuing acts for supporting the trading-house at Oswego, including a specific appropriation of two hundred pounds for repairs to the trading-house.

The Assembly adopted resolutions November 9th, expressing their intention to consider at the next session questions relating to frontier fortification and to Indian affairs.

2 The usual annual act for the support of government, chap. 922, was passed November 11th.

SPECIAL MESSAGES.

Oct. 24. Transmitting papers relating to frontier fortifications and to Indian affairs.

October 27. Thanking the Council and the Assembly for their addresses.

October 27. Transmitting a copy of a report relating to the Seneca Indians.

November 11. The Assembly was prorogued to the first Tuesday in March, 1753.

EDUCATION.

Though not responsive to a direct recommendation by the Governor, it may be noted here, that the Assembly on the 9th of November adopted a resolution declaring that it would at the next meeting take into consideration the establishing a seminary for the education of youth within this colony.

1753. MAY. TWENTY-SEVENTH ASSEMBLY, SECOND SESSION.

GEORGE CLINTON, Governor.

The assembly convened at Jamaica on the 30th of May, and the same day the Governor delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I have received some instructions from the Lords Justices with a letter accompanying the same from the Lords of Trade and Plantations, recommending the considering and revising the laws of this Province, and in lieu thereof to frame and pass a complete and well digested body of new laws, together with the copy of an act passed in Virginia for the like purpose, recommended as a plan for executing

what is proposed by the said instructions, copies of which instructions, letter and act are ready and will be laid before you. This, Gentlemen, is a matter of great importance, and may if duly attended to, be of singular use and service to the Province, and as such I doubt not but you will readily give it all the consideration and dispatch which the weight and nature of the affair may require.

GENTLEMEN OF THE GENERAL ASSEMBLY.—As there was a necessity of meeting you early, I have (with the advice of his Majesty's council) appointed this place as being the most convenient, secure and free from the infection of the smallpox of any we could judge of, for although the city is now said to be almost free from that distemper, yet to have called you, Gentlemen, at this season to that place might have given many of you great uneasiness if you had found yourselves exposed to any degree of danger from the remaining infection.

You will now, Gentlemen, have an opportunity of taking into your further consideration the state of Indian affairs and ruinous condition of the trading house at Oswego, frontier forts and fortifications in general,[1] and making proper and necessary provisions for them as well as for settling and discharging the several accounts and demands on the government which were contracted during the late war on the public faith, and for the service and honor of the Province, and particularly by Colonel Johnson, whose case, with the rest, I earnestly recommend to you, and make no question but you will do therein what is consistent with honor and justice.[2]

The resolution you made at the close of the last session for establishing a seminary for the education of youth

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1 By an act passed July 4th, chap. 936, making general appropriations, provision was made for repairs on several forts and fortifications.

2 The general appropriation act, chap. 936, passed July 4th, provided for reimbursing Col. William Johnson for his advances.

within this colony is laudable and worthy your diligent prosecution and most serious attention.[3]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Some intrusions have lately been made on the lands of his Majesty and his subjects of this Province, whereof sundry complaints have been made to me; copies of those complaints and of what I have done thereon, shall be laid before you, being well assured you will use you best endeavors for the preservation of his Majesty's authority and jurisdiction to the extent of the bounds of this Province, and for the protection of the properties of his Majesty and his subjects within it; and I leave it to you to consider whether it may not be expedient that committees of both Houses should be appointed to meet and concert the most proper measures to be taken in this affair, wherein I shall give my best assistance.

While I continue to have the honor of representing his Majesty as governor here, I shall readily and heartily join with you in doing everything in my power consistent with my duty, that may promote the happiness and welfare of the good people of this Province.

G. CLINTON.

Jamaica, Queens County, 30th May, 1753.

SPECIAL MESSAGES.

May 31. Transmitting several letters relating to Indian affairs.

May 31. Thanking the Council for its address.

June 5. Thanking the Assembly for its address.

June 5. Replying to the Assembly's request for information as to his proposed visit to the Indian Nations, the

[3] An act passed July 4th, chap. 932, authorized a lottery for the purpose of raising one thousand one hundred twenty-five pounds to be used in establishing a "college for the advancement of learning." This institution became King's College, afterwards Columbia College. Acts for the same purpose were passed in 1746, 1748, and at a subsequent session in 1753.

Governor recommended additional appropriations for repairs at Oswego, and said he intended to have an interview with the Indians as soon as circumstances would permit, or else send commissioners for that purpose.

June 14. Informing the Assembly that on the previous day a speech had been made to him by the principal and three other sachems with several chiefs of the Mohawk nation, which speech he deemed of such importance that a copy of it was presented to the Assembly. The records do not contain this speech.

June 15. Transmitting accounts and other papers relating to the northern frontier.

June 19. Transmitting papers relating to the Mohawk Indians, and suggesting that a conference of the Six Nations be held soon to consider the injustice and conduct of the Mohawks.

June 22. The Assembly presented an address relative to the Mohawk Indians, expressing great anxiety concerning the critical situation of Indian affairs, and recommending that the Governor take prompt and effective measures to settle the differences which seemed to forbode trouble for the colony. To this address the Governor responded as follows:

"I thank you for this address. I am sorry to acquaint you that my bad state of health at present will not permit me to go to Albany to meet the Six Nations of Indians, as you desire.

I join with you in opinion that the state of Indian affairs is at present in a very critical situation, and think it requires the advice and assistance of the Council and Assembly in a free conference; and upon the arrival of the Gentlemen of the Council, who are daily expected from Albany, I shall recommend it to the Council to meet you in such conference, that you may then jointly agree upon the most fit persons of weight to send with the interpreter to invite

the Six Nations to meet at Albany by a day to be proposed; and on proper instructions to be given to those persons. Also, upon the most proper persons to be appointed commissioners to supply my place at that interview, and the powers and instructions to be given to such commissioners. And that you may then also agree upon the method of inquiry into the complaints of the Mohawks, and of giving them redress; in which as well as in every other measure that shall be thought necessary in this important affair, I shall, so far as is consistent with my duty, most readily concur with you. And at this conference you will be acquainted with other reasons besides the ill state of my health, why I think it most proper that commissioners should supply my place at Albany, at the intended interview with the Indians.

GEO. CLINTON."

June 28. Transmitting papers setting forth controversies relating to the boundary line between New York and New Jersey. (See post Special Message, April 24, 1754.)

June 29. The Assembly and the Council held a conference relative to Indian affairs, at the close of which the Speaker stated that he had been informed by the Governor that he was in "daily expectation of being succeeded in the government, and therefore, did not think it advisable in such a juncture to go to Albany to meet the Indian nations." The Council expressed the opinion that no commissioners who might be appointed would have the same weight with the Indians as the Governor, and therefore suggested that the interview should be postponed until the arrival of the new Governor. A joint committee of the two Houses met for the further consideration of the matter, and on the 30th recommended an appropriation of two hundred and fifty pounds for presents to the Indians, and two hundred pounds for expenses in connection with the

proposed interview, and also that Col. William Johnson be appointed to represent the colony in the negotiations.[4]

June 30. Informing the Assembly that he would communicate with the Governor of New Jersey relative to the boundary dispute.

July 3. Informing the legislature that he would appoint Col. William Johnson to represent the colony in the negotiations with the Indians. (See note 4.)

July 4. The Assembly was prorogued to the first Tuesday in September.

1753. OCTOBER. TWENTY-SEVENTH ASSEMBLY, THIRD SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

It has already been noted that during the preceding session (June 29) Governor Clinton intimated to the speaker of the Assembly that he was in daily expectation of being succeeded in the government. His successor, Sir Danvers Osborn, Bart. was appointed Governor August 1, 1753. He arrived in New York on the 7th of October, and took the oath of office the 10th. His official career as Governor was of short duration, and had an unhappy termination. He died October 12, two days after taking office, as appears by the following extract from a letter written by Lieutenant-Governor De Lancey to the Lords of Trade, dated October 15, 1753. (Col. Doc. Vol 5, p. 803.)

"I have a very melancholy account to write to your Lordships. Sir Danvers Osborn our late Governor published his Majesty's commission to him on Wednesday, the tenth instant, amidst the greatest acclamations of the peo-

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4 The general appropriation act, passed July 4th, chap. 936, included items for presents to the Indians, and to pay Col. Johnson's expenses on his proposed visit to them.

ple and the sincerest demonstrations of joy that were ever known on any occasion here. We had justly entertained the best grounded hopes and expectations of being a happy people under the administration of a gentleman of birth, good education and most amiable character; but alas this great joy was too soon succeeded by the deepest and most unfeigned sorrow, for on Friday, the 12th, about seven of the clock in the morning he was found in the lower part of Mr. Murray's garden (at whose house he lodged till the Fort was fitted up for his reception) strangled in his handkerchief. It was observable that although he expressed his sense of the people's joy upon his accession to the government in the most engaging manner, yet he never showed any cheerfulness, but appeared with a sedate and melancholy countenance complaining of a great indisposition of body and disturbance of mind, which could not be diverted. My Lords I most sincerely condole this unhappy event which has filled the eyes of all persons here with tears."

An official inquiry into the manner of the Governor's death resulted in the finding that he committed suicide in a fit of insanity.

At the close of the previous session the Assembly had been prorogued to the first Tuesday in September. It was again twice prorogued by Governor Clinton, the last prorogation being on the 9th of October, the day before Governor Osborn took office.

By Governor Osborn's death, James De Lancey, Lieutenant-Governor, became the head of the government, and immediately assumed executive authority. October 18 he prorogued the Assembly to the 30th, but a quorum did not appear until the 31st, when he delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— His most sacred Majesty having been graciously pleased,

by his royal commission, to appoint me Lieutenant-Governor of this Province, the government thereof is devolved upon me by the death of his late Excellency Sir Danvers Osborn, Baronet. As he was a gentleman of birth, of liberal education, and distinguished character, we had well grounded expectations of being a happy people under his administration, and have therefore, just reason to regret his death and lament it as a public loss.

You will perceive by the thirty-ninth article of his Majesty's instructions to Sir Danvers Osborn (copies of which I shall herewith deliver you) how highly his Majesty is displeased at the neglect of and contempt shown to his royal Commission and instructions by your passing laws of so extraordinay a nature, and by such your unwarrantable proceedings, particularly set forth in this instruction.[1] Hence also his Majesty's royal pleasure as to these matters will appear, and what he expects from you. On this head I must observe to you that by our excellent constitution the executive power is lodged in the Crown; that all government is founded on a confidence that every person will discharge the duty of his station; and if there should be abuse of power that the legal and regular course is to make application to his Majesty, who having a paternal tenderness for all his subjects, is always ready to hear and redress their grievances.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I must earnestly press it upon you that in preparing your bills for the support of government and other public services, you pay a due regard to his Majesty's pleasure, signified in his instructions, and frame them in such a manner as when laid before me for my assent I may give it consistent with my duty to his Majesty.

The provision lately made for repairing his Majesty's fort and Copsey Battery will from the great damage done

[1] For the copy of the 39th article of the instructions to Governor Osborn, see *post*, p. 532.

to the latter by the late storm fall very short of answering those purposes. I must therefore recommend to you to make further provision for this end; and also for completing the repairs of the trading house at Oswego. I need not mention to you the importance of that place; you will see by the copy of the letter and account from the commanding officer at that post what repairs have been made and what is still necessary to be done.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Among the public papers delivered to me, I find a letter from Col. William Johnson with an account of his proceedings in his late negotiations with the Five Nations and other Indians on the frontiers, copies of which shall be laid before you. The preserving those Indians in their fidelity and drawing others to settle among them, is of such consequence to his Majesty's service and the safety of this and the other Northern colonies, that it requires at all times the greatest attention.

The method now practised by the law for letting to farm the excise on strong liquors, is complained of as burthensome. I recommend it to you to put it on such a footing as will remedy that grievance.[2]

I must also recommend to you the passing a bill for regulating the militia that the people may be trained to the

[2] The policy of farming out the excise was discontinued at this session in response to the Lieutenant-Governor's recommendation, and an act passed December 12th, chap. 944, provided for the appointment of "commissioners for collecting the duty of excise" in each county, with power to appoint retailers, and fix the duty to be paid by them for the year beginning January 1, 1754. In New York and Albany the mayor, recorder and aldermen became *ex-officio* commissioners of excise, and the act appointed commissioners in the other counties; in some counties three persons were appointed, in others two, and in others there was only one commissioner. The moneys collected under the act were to be used in canceling bills of credit. This statute seems to have been the beginning of the policy of administering excise affairs by local commissioners, which policy was continued with modifications until changed by the Liquor Tax Law of 1896, which placed the administration in a State department under the supervision of a State Commissioner of Excise.

use of arms and prepared for their defence on any emergency.[3]

The good effects which have arisen from the Act made to prevent the exportation of unmerchantable flour and the false taring of bread and flour casks, and the reputation the manufacture of flour has gained abroad under the present regulations, are strong arguments to induce you to fall upon some effectual means to prevent the frauds which are committed in beef, pork, and other commodities.

GENTLEMEN.—My inclination and interest lead me to study and pursue the welfare of this country. You cannot therefore doubt of my cheerful concurrence with you in such measures as will promote that end, and you may be assured I will readily give my assent to any bills that have his Majesty's service and the prosperity of the Province for their object.

JAMES DE LANCEY.

City of New York,
31st of October, 1753.

The Lieutenant-Governor also transmitted extracts from the instructions issued to Governor Osborn, urging the enactment of laws providing for a permanent revenue for the support of government, the laws for that purpose to be indefinite in duration; also prohibiting the Governor from receiving presents from the Assembly, allowing him to retain for his annual salary twelve hundred pounds from the King's revenue, and authorizing him to accept a further stated allowance by the Assembly.

SPECIAL MESSAGES.

November 6. Transmitting letters and papers relating to Indian affairs, and the trading house at Oswego.

[3] An act passed December 12th, chap. 947, revived and re-enacted the Militia Law of 1739.

November 7. Thanking the Council and the Assembly for their addresses.

November 12. Transmitting a letter from the Earl of Holdernesse, one of the Secretaries of State, conveying information concerning a projected Indian invasion of British colonies "supported by some regular European troops," and directing the government of New York to resist any hostile demonstrations against the colony. Concerning united action by the colonies the letter continues:

"And whereas it may be greatly conducive to his Majesty's service, that all his Provinces in America, should be aiding and assisting each other, in case of any invasion, I have it particularly in charge from his Majesty, to acquaint you, that it is his royal will and pleasure, that you should keep up an exact correspondence with all his Majesty's Governors on the Continent; and in case you shall be informed by any of them, of any hostile attempts, you are immediately to assemble the General Assembly, within your Government, and lay before them the necessity of a mutual assistance, and engage them to grant such supplies as the exigency of affairs may require. I have wrote by this conveyance, to all his Majesty's Governors, to the same purpose."

The next day the Assembly adopted a resolution promising to assist any other colony in case of its invasion by a hostile force. (See post Special Message, April 17, 1754.)

November 22. Transmitting a letter from Col. William Johnson to former Governor Clinton, relating to Indian affairs.

December 10. Recommending that immediate provision be made for presents to the Indians, and also an allowance to the Lieutenant-Governor for the expenses to be incurred by him in a proposed interview with the Indians.

The next day the Assembly passed a resolution agreeing to make suitable provision for presents, and for an allowance to the Lieutenant-Governor in accordance with his request.

December 12. The Assembly having requested the appointment of counsel to assist Abel Hardenbrook, keeper of the powder house, in defending a suit on a seizure made by Archibald Kennedy, Collector of Customs, the Lieutenant-Governor informed the Assembly that he had appointed as counsel Benjamin Nicoll, John MacEvers, and William Livingston.

December 12. After publishing the laws passed at this session the Lieutenant-Governor said to the Assembly:

"You must be sensible you have not acted in compliance with his Majesty's royal instructions. You will have an opportunity during this recess to consult your constituents; and I hope at your next meeting you will bring with you such dispositions as will effectually promote the public service, and that you will then proceed with a due regard to what his Majesty justly expects from you, and thereby recommend yourselves to his royal Grace and favor."

The Assembly was then prorogued to the first Tuesday of March, 1754.

THIRTY-NINTH ARTICLE OF THE INSTRUCTIONS TO GOVERNOR OSBORN. (See note 1.)

"Whereas it hath been represented to us, that great disputes and animosities have for some time past subsisted among the several branches of the Legislature of our Province of New York; that the peace and tranquillity of the said Province has been disturbed, order and government subverted, the course of justice obstructed; and our royal prerogative and authority trampled upon, and invaded in a most unwarrantable and illegal manner. And whereas the Assembly of our said Province, have not only refused to comply with the powers and directions which we have thought expedient to give by our commission and instructions to our Governor of the said Province, with respect to money raised for the supply and support of government, but have also, in open violation of our said commission and instructions, assumed to themselves in the laws which they have annually or occasionally passed, the disposal of public money, the nomination of all officers of government, the direction of the militia, and of such other troops as have been raised for our service; and many other executive parts of government, which by our said commission and instructions we have thought proper to reserve, and which by law belong to our Governor only. And whereas it likewise appears, that some of our council of said Province, not regarding the duty and allegiance they owe us, and the trust we have reposed in them, have joined and concurred with the

Assembly in those unwarrantable measures. We therefore, being extremely sensible how much all such animosities and divisions amongst the different branches of the legislature, and the unwarrantable proceedings which have attended the same, must affect and prove destructive of the peace and security of our said Province, lessen and impair that due authority which by right belongs to us in the government thereof; and thereby alienate the hearts and affections of our loving subjects; and being determined at the same time, that we do protect our loving subjects in the lawful enjoyment of their rights and privileges, not to permit our own authority and prerogative to be in any degree violated, or unduly lessened, by any encroachments whatever. It is our express will and pleasure, and you are hereby strictly enjoined and required forthwith, upon your arrival, to use your best endeavors in the most prudent manner, to quiet the minds of our loving subjects, and reconcile the unhappy differences subsisting amongst them, and having called the Council and Assembly of our said Province together, you are to signify to them in the strongest and most solemn manner, our high displeasure for their neglect of, and the contempt they have shown to our royal commission and instructions, by passing laws of so extraordinary a nature, and by such their unwarrantable proceedings; and that we do strictly charge and enjoin them for the future to pay to our said commission and instructions due obedience; receding from all unjustifiable encroachments upon our legal authority and prerogative, and demeaning themselves in their respective stations with a due regard thereto, and to the peace, security and prosperity of the Province. And whereas, nothing can more effectually tend to re-establish good order and government within our said Province, and promote its future peace and prosperity, than the having a permanent revenue settled by law, upon a solid foundation, for defraying the necessary charges of government, for want of which great inconveniency and prejudice have hitherto arisen to our service, and to the affairs of our said Province. It is therefore, our further will and pleasure, that you do in the strongest manner, recommend to the Assembly, in our name, without delay, to consider of a proper law, to be passed for this purpose, taking care that such law shall be indefinite and without limitation, and that Provision be made therein for the salary allowed by us, to our Captains General and Governors in Chief of our said Province; and likewise, for competent salaries to all judges, justices and other necessary officers and ministers of government, and for repairing the fortifications, and erecting such new ones, as the security and safety of the Province may require; for making annual presents to the Indians, and for the expense attending the same; and in general, for all such other charges of government, as may be fixed or ascertained. It is, nevertheless, our will and pleasure, and you are hereby impowered, after the passing such law as aforesaid, to give your assent to any temporary law or laws for defraying the expenses of temporary services. Provided always, that the said law or laws do expire and have their full effect, when the services for which said law or laws were passed, shall cease and be determined; and that they be consistent with our royal prerogative, and our commission and instructions to you. And it is our further will and pleasure, that all money raised

for the supply and support of government, or upon emergencies for a temporary service as aforesaid, shall be disposed of, and applied to the service only for which it was raised; by warrant from you, by and with the advice and consent of the Council of our said Province, and no otherwise. But, the Assembly may, nevertheless, be permitted from time to time to view and examine the accounts of money disposed of by virtue of laws made by them; which you are to signify to them, as there shall be occasion. And it is our further will and pleasure, that if any of the members of our Council, or any officer holding or enjoying any place of trust or profit, within our said Government. shall in any manner whatever, give his or their assent to, or any wise advise or concur with the Assembly in passing any act or vote, whereby our royal prerogative may be lessened, or impaired, or whereby any money shall be raised or disposed of, for the public service contrary to, or inconsistent with the method prescribed by these our instructions to you; you shall forthwith remove or suspend such councilor or other officer so offending, giving to our commissioners for trade and plantations, an immediate account thereof in order to be laid before us."

1754. APRIL. TWENTY-SEVENTH ASSEMBLY, FOURTH SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

The Assembly met April 9, and on that day the Lieutenant-Governor delivered the following

OPENING SPEECH:

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The advices I have received during your recess are of so interesting a concern to his Majesty and his American subjects as laid me under a necessity of calling you together thus early for your advice and assistance.

The progress the French have already made in taking possession of his Majesty's lands and building forts upon a most important pass between the Lake Erie and the River Ohio, will appear by the papers I shall order to be laid before you. 'Tis evident they hope by these advances to surround and confine his Majesty's colonies as much as

possible, and as the fur trade depends on the supplies of arms and ammunition which the Indians now receive in common from both nations, the French think by cutting off all intercourse between the far Nations of Indians and us they may in time secure the sole benefit of that trade to themselves, and attach them so firmly to their interest as to be ready at all times to join in any attempts they may make on his Majesty's colonies.

The government of Virginia, sensible of the dangerous tendency of these proceedings, is determined if possible to put a stop to them, and for this purpose, as they look upon it to be the common cause of all the Provinces, have requested their aid and assistance. Your loyalty and affection for his Majesty's person and government, with the late resolution on the Right Honorable the Earl of Holdernesse's letter,[1] which you will see his Majesty has been graciously pleased to approve of, give me well-grounded hopes that you will exert your greatest efforts to vindicate the honor of his Majesty's Crown and justify his undoubted rights against the invaders of his property.

GENTLEMEN OF THE GENERAL ASSEMBLY.— In obedience to his Majesty's commands, I must desire you will grant such supplies as the exigency of these affairs may require by enabling me to raise and send such force to the assistance of our neighbors as may leave them no room to doubt of your readiness to take part in every expense necessary for the public utility.[2]

I am commanded by his Majesty, forthwith to send two complete companies of the troops posted here into the Province of Virginia, and shall do it with all possible dis-

[1] This resolution to assist other colonies in case of invasion by a hostile force was adopted November 13, 1753, at the previous session of the Assembly.

[2] In response to this suggestion the Assembly on the 24th of April, presented to the Lieutenant Governor an address, which considered several aspects of French encroachment on the Ohio frontier. Extracts from his address are given under the head of Special Messages.

patch after you have provided for the expense of their transportation and subsisting them with provisions for the time they may be employed on the intended service, which I earnestly recommend to you to do without delay.[3]

The Six Nations of Indians are justly alarmed at the encroachments of the French, and unless the colonies unite in measures for building forts in their country for their security and the safety of the women and children when the men are abroad, and for sending smiths and other proper persons to reside among them, I am apprehensive we shall lose the little influence we still have over them. This is a matter that well deserves your serious attention, as upon it depends the greatest security we have for the fidelity of those people; and although it be reasonable that the expense be borne by the colonies in general, yet as those nations more immediately depend upon the Province of New York, any scheme for their safety and protection will naturally be expected to take its rise here. 'Twill therefore be showing your regard for the welfare of this and all the colonies by declaring your willingness in a public resolution to bear a proportion of the charge of erecting and maintaining such forts. I have already the sentiments of several of his Majesty's Governors on this point, and am led from the common danger to hope for the

[3] The Assembly in its address presented to the Governor on the 12th of April, expressed its willingness to make provision for transporting the two independent companies to be sent to Virginia, but hoped their absence might "prove but for a season, as this Province from the nature of its situation, from its long connection with the Five Nations, its old allies, and from its vicinity to the powerful French, seems justly to be looked on as a frontier highly deserving of his most Sacred Majesty's care and protection," and on the 17th directed that a bill be prepared, among other things appropriating one thousand pounds for this purpose. The bill did not become a law at this session, but at a subsequent session, August 29, 1754, an act was passed, chap. 957, appropriating five thousand pounds for the assistance of Virginia and Pennsylvania in dispossessing the French and Indians who had encroached on the Ohio frontier. This act included an item for the expense of transporting the two companies to Virginia.

assistance of several of the neighboring colonies in a measure of so general concern.[4]

And while you have this matter under consideration, I must recommend to you that of the open and defenceless condition of our northern frontier, and that you will enable me to build some fort or forts in a proper situation, till I have used my endeavors to bring his Majesty's other governments concerned in the defence of that part of the country to contribute to the charge of erecting as many forts on this quarter as may be necessary to guard them and us from the incursions of the enemy in time of war.

You are well convinced of the importance of the trading house at Oswego, and therefore I need use no arguments to prevail with you to grant a sufficient sum to put that fortress into thorough repair. It appears the more necessary at this time as the French in their way to the Ohio pass that post, and should they expect it to be unprovided for a defence we have no reason from their late proceedings to doubt they would make an attempt upon it. I therefore think it highly expedient to order a double garrison thither of his Majesty's troops, and wait only for your making suitable provision for it.[5]

Copsey Battery in this city, you are sensible, is in a ruinous condition, and I am persuaded you will think it absolutely necessary to put it into good repair.

I have appointed the fourteenth of June next for the interview with the Six Nations at Albany, and as the time now draws near you will provide for presents to be distributed among them at this meeting, and for the expense of my voyage thither.[6]

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[4] In the special messages under date of April 19th, the Lieutenant-Governor considers the subject of forts in the Indian country in response to an address from the Assembly.

[5] See special message of April 19th, as to repairs to the fort at Oswego.

[6] At the next session an act was passed, May 4, 1754, chap. 955, appropriating eight hundred pounds for presents to the Indians, and one hundred and fifty pounds for the Lieutenant-Governor's expenses on his expected interview with them.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The matters I have recommended to your consideration are of so great importance as do not permit me to divert your attention by laying anything else before you at present. I shall therefore only recommend that you will give them that due weight and dispatch they seem to demand of you, and I make no doubt but the result of your deliberations will reflect honor on yourselves, and be a benefit to your country. You may be assured of my hearty and cheerful concurrence in every measure calculated for his Majesty's service and the happiness of the people of this Province.

JAMES DELANCEY.

Fort George New York
9th April 1754.

SPECIAL MESSAGES.

April 9. The Lieutenant-Governor transmitted several papers mentioned in his opening speech, including sundry letters from the Governor of Virginia, advising the steps that government are taking to oppose the invasions of the French on the Ohio, and requesting the aid and assistance of this government therein; also a letter from Governor Shirley and another from Governor Hamilton of the 18th ult., and several papers containing intelligence of the proceedings of the French on the Ohio.

April 11. Thanking the Council for its address.

April 12. Thanking the Assembly for its address, the Lieutenant-Governor said:

"I am sensible of the difficulties the Province labored under during the late war, and the heavy expense the people were put to for the public services, and hope the charge which must necessarily accrue on your providing for the other matters I have recommended to you, will appear in a favorable light to his Majesty, and excuse your not contributing so liberally to the assistance of the colony

of Virginia, on this important occasion as his Majesty might otherwise have justly expected from you.

The situation of this colony in respect to the French of Canada, must inevitably expose us to greater danger than our neighbors, and augment the public taxes; which as they are to be employed for the defence and safety of the people, will, I am persuaded, be cheerfully borne by them."

April 17. The Lieutenant-Governor sent the following message to the Assembly:

"You will perceive by the letter from the Earl of Holderness, already laid before you, and an extract of a letter from the Lords Commissioners for trade and plantations, sent you herewith, that your resolution[a] to make a suitable provision for assisting any of the neighboring colonies, to repel force by force, in case they be invaded in a hostile manner, by any armed force whatsoever, has raised a just expectation in his Majesty and his Ministers, that you will act in a manner suitable to this resolution. I must, therefore, earnestly recommend to you, now the French are in motion, and with an apparent intention to invade one of his Majesty's colonies, that you would exert yourselves on this occasion, and enable me to give such assistance to the colony of Virginia, as the present exigency demands.

JAMES DELANCEY."

April 19. The Assembly having requested the Lieutenant-Governor to use his endeavors "with the neighboring governments to join in the expense of building and maintaining forts among the Indian nations, and on the northern parts of this colony for the common security and defence," he said "he would use his endeavors accordingly, and hoped that some scheme would be concerted for that purpose at the general interview with the Indians on the 14th of June next."

On the same day the Lieutenant-Governor said, in response to the Assembly's request, that he would immedi-

[a] Adopted November 13, 1753.

ately give directions "to the commissioners for collecting the duties on goods carried to Oswego for trade to put that fortress into good repair."

April 19. The Lieutenant-Governor sent the following message to the Assembly:

"While you have under consideration the providing for the expense occasioned by the motions of the French towards the Ohio, and for the defence of this Province, I must recommend to you the supplying the out garrisons with gun powder, and raising a sufficient sum of money to answer the contingent charges that may arise by expresses or otherwise, and placing a small sum of money in the hands of the officer at Oswego, to be laid out in little presents to be given to such as visit him at that place; this is a practice of the French, and these little things seasonably given, have a better effect than those of greater value at other times.

JAMES DELANCEY."

April 24. The Lieutenant-Governor sent the following message to the Assembly:

"The division line between this government and the Province of New Jersey not being settled, has lately given rise to great tumults and disorders among the people of Orange county and the adjacent inhabitants of New Jersey, and may produce worse evils, unless prevented by a timely care. Nothing can answer this purpose so effectually, I think, as the fixing a temporary line of peace between us, until his Majesty's pleasure shall be known in this matter. Governor Belcher assures me of his sincere desire, that amicable and conciliating measures may be fallen upon by both governments, to make the borders easy; and I have proposed to him the running such line, conformable to the opinion of his Majesty's Council, signified in their report to me, which I shall order to be laid before you, and if it

receives his approbation, I shall forthwith appoint commissioners for running such line of peace, and apply to that Government to do the like on their part; and the expenses of which I must recommend to you to provide for.

The same step is necessary to be taken for the adjusting all disputes between the Massachusetts Bay and this Province, until the true partition line be finally determined in a legal course, and Governor Shirley presses me to forward a meeting of commissioners from both Provinces. By the act for examining into the eastern boundaries of this colony, at least seven of the committee and commissioners are necessary to put in execution the powers of that act, which must increase the expense of the meeting. I shall therefore only appoint two or three fit persons with the advice of the Council; and as Mr. Shirley proposes to send Commissioners to the interview at Albany, I have hopes he will appoint the same gentlemen for this service, that the business may be transacted as soon as the conferences are at an end.

At this time every difference should be carefully avoided that might interrupt a general harmony and unanimity among the colonies, on which the success of their endeavors to repel the attempts of the French greatly depends; I therefore assure myself you will readily provide for the expense that may arise on the meeting of those commissioners, and that you will come to a speedy resolution thereupon, that I may notify the same to the governments concerned.

JAMES DELANCEY."

April 24. The Assembly presented to the Lieutenant-Governor an address relative to the French occupation of lands adjacent to the Ohio River, saying, among other things, that " the French have built a fort at a place called the French Creek at a considerable distance from the river

Ohio, which may, but does not by any evidence or information, appear to us to be an invasion of any of his Majesty's colonies, nor does the government of Virginia seem to look upon it as such; for Mr. Dinwiddie, his Majesty's Lieutenant-Governor of that colony, tells your Honor in his letter of the 21st of March last, that the plan of operation is no more than to take possession of the lands in his Majesty's name, and build forts agreeable to his commands (as we have long since done at our own expense, by erecting and maintaining a fortress at Oswego) which lands we understand to be those lying on the River Ohio, and your Honor will perceive by our minutes of Wednesday last, that we have allowed the sum of one thousand pounds for the transportation and subsistence of the two independent companies, appointed to assist the government of Virginia, in executing that design, which we conceive to be an assistance fully adequate to the undertaking.

This we beg your Honor will be pleased to represent in a favorable light, to the Lords Commissioners for Trade and Plantations, with an assurance that this House will not be wanting in contributing any assistance in their power, consistent with the safety and security of this Colony, to such of his Majesty's colonies whose known limits may be invaded by any enemy whatsoever."

To this address, the Lieutenant-Governor replied as follows:

"I cannot but differ in opinion with you, as I look on the late attempts of the French, to be an encroachment upon his Majesty's undoubted territory. The lands lying between the Seneka's country, the Lake Erie and the River Ohio, formerly belonged to a nation of Indians called the Eries, whom the Five Nations conquered and extirpated, and thus became masters of their lands, and by the treaty of Utrecht, the French acknowledge those Indians, called the Five Nations or cantons, to be subjects of the dominion

of Great Britain. And therefore, the two forts the French have built, are evidently an invasion on his Majesty's territories, though perhaps not so clearly within the limits of any colony in particular; but from the idea I have formed to myself of that part of the country, those two forts seem to be within Pennsylvania government.

The intelligence I have laid before you, shows the number of forces the French are sending to the Ohio, and when you consider that the forts they have already erected were last year well garrisoned, you cannot think that these forces are for that use only, but must be designed either to garrison other forts, or to attack and dislodge the Virginians in the settlement they are now making, and probably both; and any assistance you may give after being convinced of this point, whether these invasions are within the limits of any of his Majesty's colonies, may perhaps be then too late. It may not be very difficult to drive away the French, if timely and vigorous efforts be used, before they strengthen themselves by increase of forts in that country, and by erecting some of stone, and putting in them large garrisons, render our attempts to reduce them ineffectual.

I have already transmitted to the Right Honorable the Lords Commissioners for Trade and Plantations, the reasons you urge for not giving greater assistance at this time to Virginia, and shall, also by the first opportunity, transmit this representation.

JAMES DELANCEY."

April 24. The Assembly having represented to the Lieutenant-Governor that the gun-powder in the magazine in New York had been seized by the collector of customs, on the ground that it had been unlawfully imported, whereby the colony had been deprived of its use as a means of defense, and having requested the Lieutenant-Governor to take such action as might be deemed proper in the prem-

ises, he replied that he would present the matter to the Lords of Trade.

April 26. In response to the Assembly's request, the Lieutenant-Governor said he would use his best endeavors to have a temporary line settled between this colony and Massachusetts Bay and New Jersey. An act passed December 7, 1754, chapter 969, submitted the New Jersey boundary question to the King for final determination.

May 1. The subject of money bills appeared again at this session, in an address from the Council to the Lieutenant-Governor reciting that it had received from the Assembly an appropriation bill, but had declined to amend it, for the reason that such a proposed amendment would precipitate another controversy as to the Council's power, and for that reason had requested a conference of the Assembly on the bill, which conference had been refused. The Council therefore suggested the propriety of proroguing the Assembly.

The Lieutenant-Governor replied that he had doubts whether it would be proper for him to prorogue the Assembly while the bill remained unrejected by the Council, and thereupon returned the bill to the Council. In the afternoon of the same day the Council rejected the bill, whereupon after publishing the laws which had been passed, the Lieutenant-Governor prorogued the Assembly to the 2d of May.

JAMES DE LANCEY, Lieutenant-Governor.

The Assembly met May 2d, and the Lieutenant-Governor delivered the following

OPENING SPEECH:

"As the several matters I lately recommended to you are still fresh in your memories, I think it needless to repeat them.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I am convinced that the Council, when they rejected the bill to apply several sums of money for the use and security of this colony, were of opinion the services were highly necessary; but as they conceived the manner in which that bill was framed to be repugnant to his Majesty's commission and instructions, they thought themselves in duty to his Majesty, bound to refuse their consent to it; and I hope when you again take these services into consideration (which you are sensible can admit of no delay), you will frame the bill so as it may not lay the Council under any difficulty of passing it.[1]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I must press you to proceed in this matter with unanimity and dispatch; His Majesty's service and the safety of the Province requiring it.

JAMES DELANCEY."

SPECIAL MESSAGES.

May 2. Thanking the Assembly for its address.
May 3. Thanking the Council for its address.

[1] The difference of opinion between the Council and the Assembly concerning this bill has already been noted in the Special Messages at the previous session, under date of May 1st, *ante*, p. 544.

May 3. Replying to the Assembly's address, the Lieutenant-Governor said he would reinforce the garrison of Oswego with twenty-five men of the independent companies and provide for their subsistence for twelve months.

May 4. Urging the Assembly to make provision for transporting the two companies to be sent to Virginia.

May 4. The Lieutenant-Governor, after delivering a vigorous protest against the failure of the Assembly to make proper provision for transporting the troops to Virginia, prorogued it to the 28th instant.

1754. AUGUST. TWENTY-SEVENTH ASSEMBLY, SIXTH SESSION.

JAMES DE LANCEY, Lieutenant-Governor; SIR CHARLES HARDY, Governor from September 3, 1755.

After several prorogations the Assembly met on the 20th of August, and the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The French forces in conjunction with a number of Indians having lately attacked and defeated the British troops under the command of Col. Washington on this side of the Ohio, within the undoubted limits of his Majesty's dominions, and as I am informed, built a fort on the forks of Monongahela, I was obliged to call you together at this time.

It is evident and needs no arguments to prove how conducive it must be to his Majesty's service and the general welfare of all the colonies, that we should be aiding and assisting to each other in case of any invasion. In this situation it is incumbent on all the Provinces to give the Virginians the aid they stand in need of. It behooves us

more particularly to exert ourselves, for as we have a large and extended frontier exposed to the French and their Indians, we cannot with any decency, should this Province be attacked, call upon the other governments on the continent, or with reason expect assistance from them, unless we now cheerfully throw in our contributions to enable the Virginians to repel the French and drive them out of the limits of his Majesty's dominions. This is a point that deserves your most serious attention.[1]

There is another which requires it no less; and that is, the defenceless state of the Province. View the fortifications of this city, and let your own eyes inform you what repairs are necessary, and what other works wanting to strengthen and defend it. Consider how near the most populous and best part of Canada is to Albany, how weak and unprepared for a defence that city is; that we have not any place of strength above it on Hudson's River, to retard an enemy one moment, so that they might be at our doors to give us the first notice of our danger. The consequences that must attend the loss of Albany is a subject more proper for your own reflection than for me to enlarge upon. A place of so great importance ought to be well provided for its defence in all events. A strong fort on Hudson's River must be a great security to that city, as intelligence might be sent from thence of the approach of an enemy, and the place thus enabled to hold out till a sufficient force could be brought to its relief, which might be soon done. And a fort on that quarter must also in time of war be a great check to the enemy's incursions towards Schenectady and other parts of the country.[2]

[1] August 29th an act was passed, chap. 957, for the assistance of Virginia and Pennsylvania in dispossessing the French and Indians who had settled and erected forts on his Majesty's lands on the river Ohio and parts adjacent thereto.

[2] An act passed February 19, 1755, chap. 970, appropriated forty-five thousand pounds for fortifications and other purposes connected with the war,

In case of a war, we may expect great assistance from the Six Nations of Indians. I left them in a very good disposition at the late treaty, but unless we put ourselves in a proper posture of defence, they will be unwilling to expose themselves to the resentment of the enemy. If we will protect them, they will be ready to fight for us. The building a fort and making a settlement in the Seneca's country, is a matter of great consequence, for besides the advantages we might draw from it, the French will be prevented from taking this step which they would have done long ago, could they have prevailed on the Indians to consent to it. With this view a tract of land of a good soil and fit for settlements was purchased by Lieutenant-Governor Clarke from the Senecas, the most numerous of the Six Nations, and though a fort was not then built, and even now as it is a general concern, ought to be done at a general expense, yet, as the situation of affairs is become more dangerous than at that time, it is necessary to erect a fort there even at our own charge, to secure a footing at that place, to attach that Nation to the British interest, to hinder their falling into the hands of the French, and to unite them more firmly with the other Indian nations in a dependence on this government.

It has been usual to send a smith and some other persons to reside in the Seneca's country, to secure that nation in their fidelity to us, and the Onondagas have desired me to order a smith to be sent and remain among them for a year. Services of this nature have ever been attended with a good effect.

In my late conferences with the Six Nations at Albany,

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including six hundred pounds for a fort on the Hudson River to be located by the Lieutenant-Governor. Acts passed May 3, 1755, chap. 978, and July 5, 1755, chap. 984, made provision for fortifications at or near Crown Point and for other military purposes. An act was also passed May 3, 1755, chap. 974, to enable the inhabitants of Schenectady to fortify that town. A similar act for Albany was passed July 5, 1755, chap. 981.

they complained of the pernicious effects arising from the use of rum among them, and desired it might not be sold in their castles or countries. The Mohawks also requested that the people who are settled there might not be suffered to sell this liquor to them, and as the law which restrains the sale of rum to the Indians has proved ineffectual, I must recommend to you to make such further provision as will fully answer that end.[3]

It may be proper to revise the Militia act, to make it more effectual for the purposes intended, and to insert a clause to form those who are exempted by law, yet able to bear arms, into companies to appear once a year and as often as the public service shall require it for the defence of the Province, and to provide a quantity of arms and accoutrements to be lodged in the cities of New York and Albany to be ready upon any emergency.[4]

GENTLEMEN OF THE GENERAL ASSEMBLY.— The present exigency calls aloud upon you for supplies to assist our fellow subjects of Virginia. The case is much altered since I first laid before you the encroachments of the French. They had then built forts only on the Lake Erie and at the head of Beeve River; they have now descended this river to the Ohio, and thence to the Monongahela, and have defeated his Majesty's troops on this side of the Ohio, so that by these steps it is evident the case has now happened in which you engaged by your resolution of the 13th of November last to make provision for assisting any of the

[3] An act was passed July 5, 1755, chap 979, to prohibit the sale of rum or any other strong liquors to any Indian or Indians within the city or county of Albany, excepting at the trading house, and to prevent the buying, exchanging or taking in pawn of or from any of the said Indians any arms, ammunition or clothing.

[4] A militia law was passed February 19, 1755, chap. 972, which among other things, provided that persons theretofore exempted from military duty, specifically including justices of the peace, coroners and all other officers of courts, and school masters, should form a reserve force, subject to be called into actual service by the Commander-in-Chief.

neighboring colonies to repel force by force; and I am persuaded you will acquit yourselves as becomes you by cheerfully giving an ample supply for this service, and that you will at the same time make a suitable provision for the other services which the defence and safety of the Province demand of you.[a]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The things I have recommended to you highly concern his Majesty's honor, and the interest and safety of the Province. We may learn from the relations published by the French that they have long had a design upon this Province, plans have been laid for its conquest, schemes have been formed to attack Albany and this city at the same time; the former by a land force from Canada, and New York by a naval armament. They would gladly be masters of a country that must soon put it in their power to reduce the Six Nations, and their numerous allies to an entire dependence on them. By preventing this, you will go a great length in defeating their views to subject the whole continent to the French yoke. Let me therefore, earnestly exhort you to provide in time for your security, that by effectually fortifying the Province the future schemes or attempts of your enemies may be frustrated and rendered abortive.[b]

When I was at Albany, I proposed to the commissioners of the several governments met there, the building forts in proper places to cover the northern frontiers of this and some of the neighboring Provinces, and forts in the Indian countries, but without any effect. They seemed so fully persuaded of the backwardness of the several Assemblies to come into joint and vigorous measures that they were unwilling to enter upon the consideration of these matters, and formed a plan for a general union of all the colonies, to be enforced by act of Parliament, which, together with a

[a] See note 1.
[b] See note 2.

representation they prepared of the state of the colonies, I shall order to be laid before you.[5]

GENTLEMEN.—I need not recommend unanimity to you; the matters laid before you are of such importance that they will naturally lead you to unite your utmost endeavors to bring them to a happy conclusion. It will give me the highest satisfaction if while I have the honor of the administration, something effectual be done to assist our neighbors, and to strengthen and secure ourselves. You will ever find me ready to give my assent to any bills for his Majesty's service and the good of this country.

JAMES DE LANCEY.

City of New York, 20th of August, 1754.

SPECIAL MESSAGES.

August 21. Transmitting the plan for a union of the colonies lately agreed upon, and a representation concerning the state of the colonies referred to in the Lieutenant-Governor's opening speech, together with papers relating to Indian affairs. (See note 5.)

August 22. The Assembly in an address to the Lieutenant-Governor approved the policy of union among the colonies, observing that it was a "reciprocal duty to be aiding and assisting to each other in case of any invasion." Comparing the situation in New York with the situation in colonies in the west and south, the Assembly reminded the Lieutenant-Governor that New York had expended nearly one hundred thousand pounds in the late projected expedition against Canada, saying further that "our frontiers were depopulated and laid waste, while our neighbors to the southward were at peace and strangers to any considerable expense," and while the Assembly believed that those colonies should exert themselves to the utmost for their

[5] For a note on the Albany plan of union, see *post*, p. 577.

protection, the Lieutenant-Governor was assured that the Assembly would make such provision for the assistance of Virginia and Pennsylvania as the circumstances of the colony would admit of. (See note 1.)

Considering other differences in the relative situation of the colonies, the Assembly pointed out that "the other colonies make themselves strong and defensible by settling in townships, or some other close order, while our frontier lands are granted away in patents, almost without bounds or number, regardless of settlements, or the public welfare. We can erect forts and blockhouses, but to what end? Woods and uncultivated tracts are not the objects of security; industry is to be protected, and men's persons to be defended, otherwise little good will accrue to the public, be the expense what it will."

The Assembly approved the Lieutenant-Governor's negotiations with the Indians at the recent interview at Albany. The address closed with a request that the Assembly be permitted to adjourn to a time when it would be more convenient for the members to attend its sessions.

Replying to this address the Lieutenant-Governor expressed his approbation of the generous assistance to Pennsylvania and Virginia promised by the Assembly. (See note 1.) He agreed with the Assembly that "settling in townships tends to make a country strong and defensible," and said he would endeavor to have lands granted by him speedily and closely settled.

August 22. Thanking the Council for its address.

August 24. Transmitting a report of commissioners to settle the boundary line between New York and Massachusetts.

August 24. Replying to the Assembly's request for information as to the gun-powder recently seized by the collector of customs, the Lieutenant-Governor said the matter was still pending before the court of admiralty.

August 28. Transmitting a letter from Governor Dinwiddie relating to affairs of Ohio, as also some other papers relating to Indian affairs.

October 18. The Lieutenant-Governor sent a message to both Houses in which he said:

"A few days after your recess, I received advice that a body of French Indians had made an incursion into this Province and destroyed the settlements at Hoseck, and Sinkhaick [Assembly Journal "Sinkbaick"]. I immediately sent orders to replace the stockades where wanting round the city of Albany, and to repair the blockhouses; and for the better security of that important post, I ordered the company of his Majesty's forces from this place to Albany, detaining here only a serjeant, and the invalids to do duty in Fort George. I also, by the advice of his Majesty's Council, directed a fort to be built on Hudson's River above Albany; but as no workmen could be prevailed on to undertake it upon the credit of the Province, this necessary service is left undone." (See note 2.)

The Lieutenant-Governor in the same message urged the payment of the claim of Col. William Johnson, and of other public creditors. Papers relating to Indian affairs were also transmitted to the Assembly.

October 25. The Lieutenant-Governor sent the following message to both Houses:

"At my late interview with the Indians in Albany, the Mohawks of the lower castle made their complaints to me, principally on two points. That they had never sold a large tract of land lying between Hudson's and the Mohawk River called Kayoderosseras, and that they intended the lands which the Reverend Barclay, then their missionary, purchased of them, should not pass in fee, but remain as a glebe forever for the use of a minister; and therefore desired, I would pay Mr. Barclay for the House, and set apart the land for that purpose, as you will see by the minutes

of Council, copies of which will be laid before you herewith; I have mentioned this to Mr. Barclay, and he has generously offered to take up with the money he has disbursed on that place.

The Cannajoharie or upper Mohawks, also desired I would have a church built at that castle, a request of such a nature, that I persuade myself you will in Christian compassion to those people, enable me to comply with, and to build it of stone, that it may on any emergency serve as a fort, for the security of their wives and children.

The Mohawks, as they live amongst us, are always at hand to assist us, and in the late war showed themselves ready to join us on every occasion, and on their fidelity depends in a great measure that of the other nations. It is therefore our interest to give them all reasonable encouragement, so that I must recommend it to you, to make provision for these purposes.

JAMES DELANCEY."

Other papers relating to Indian affairs were also transmitted to the Assembly.

October 29. Recommending (at the request of the Receiver-General) that a more effective method be provided for the collection of quit rents.[6]

November 8. The Assembly having presented to the Lieutenant-Governor an address relative to the New Jersey boundary line, and requesting him to use his endeavors to protect the inhabitants of this Province from encroachments by the people of New Jersey, and to assert the jurisdiction of New York until the King's pleasure could be known, the Lieutenant-Governor replied by saying that he would consider the address, and present the matter to the Council. The agitation concerning this boundary resulted in a law which was passed December 7, 1754, chapter 969,

[6] This recommendation was embodied in an act passed July 5, 1755, chap. 982, for the more easy collection of quit rents.

submitting the controversy to the King for final determination, and his decision was to be binding on all the inhabitants of the colony.

November 14. Transmitting a memorial from Captain John Morke containing a plan for the construction of a floating battery, also suggestions relative to the manufacture of naval stores and the preservation of timber.

November 20. In a message accompanying an extract of a letter from Secretary Robinson, and a copy of a letter written by the Secretary to Governor Shirley of Massachusetts, the Lieutenant-Governor said:

"I flatter myself I shall have your aid to follow the laudable example of our neighbors of Massachusetts Bay, and to enable me to build a fort in such a place on Hudson's River, as shall be thought most proper for his Majesty's service and the defence of our northern frontier; and that you will make a suitable provision for carrying into execution, an undertaking so visibly calculated for the advantage and safety of the colony. (See note 2.)

You have already shown your zeal for the general interest of these Provinces, by granting five thousand pounds towards the assistance of Virginia; I am therefore fully persuaded you will not be backward in granting supplies for the security of this, wherein you are yourselves so deeply interested.

The officers of the troops in garrison at Albany, have represented to me that the men are entirely destitute of bedding; without which, it is impossible, from the coldness of the rooms, they can subsist this winter, having nothing but the boards to lay on. The defence of that city depends in a great measure upon the soldiery there, who must infallibly desert, unless you by a seasonable supply relieve them; which his Majesty's service obliges me to recommend to you to provide for without delay."

November 21. The subject of annual appropriations received the special consideration of the Lieutenant-Governor in the following message to the Assembly:

"I have lately received a letter from the Right Honorable the Lords Commissioners for Trade and Plantations, in which, after observing the unreasonableness of the Assembly's meddling in the executive part of government, and the propriety of allowing all public money to be drawn out of the Treasury by warrant of the Governor and Council only, agreeable to his Majesty's instruction, their Lordships take notice, that as it is a point insisted on by you, that the revenue, even for services of a permanent nature, should be granted only from year to year, they are afraid that this reserve of granting the revenue only annually may from time to time revive the pretensions of the Assembly to a share in the executive part of the Government, since such annual grants may be annually employed to the purposes of wresting from the Crown the nomination of all officers, whose salaries depend upon the annual appointment of the Assembly; and of disappointing all such services of government as may be necessary, even to the very existence of the colony. Their Lordships are at a loss to conceive what other purposes this point, so strenuously insisted on, of granting the revenue only from year to year, can serve; for, if it is imagined that this method of establishing a revenue by annual grants, is the only one by which the Province can be secured against misapplications on the part of the Governor, or other officers of the Crown, it will be found to be a mistake; and that it is strict appropriation which produces such security, and not the mere mode of granting the revenue annually, which of itself is of no effect at all; and if directed to the above purposes, is what you will avow yourselves; such appropriation, accompanied with proper checks, and proper penalties, will be found more effectual to prevent misapplication, and to

punish it if attempted, than even the method of annual grants, (which is the case of services of a permanent nature, and necessary to the very being of the colony, is an absurdity) on the appointment of commissioners on the part of the Assembly, for the receipt and application of the public money; whereby the executive power of the Crown is invaded. If the Assembly therefore truly and sincerely mean only to secure the revenue which they grant against misapplication, which is an object not only laudable in itself, but which in duty to their constituents they are bound to endeavor to obtain by every method which their constitution admits, and which is not absurd, let them apply themselves to appropriate their grants, both of a permanent and occasional revenue in the strictest manner to the purposes for which they intend it. Let them contrive and propose such checks as they judge most proper to prevent misapplication, and such penalties as they think necessary for punishing it, if attempted. There is nothing in such measures, either contradictory of the King's instructions, or invasive of his prerogative, and it seems to be equally the interest of the Crown, as of the Province, that all public money should be truly applied to its service. But if they persist by the means of annual grants, either to attempt wresting from the Crown the nomination of officers, and any other executive parts of the government, or disappointing the most essential services of the Province, unless such pretensions are complied with, though they may have succeeded in such attempts, either by the weakness and corruption of Governors, or by taking advantage of the necessity of the times; yet these attempts are so unconstitutional, so inconsistent with the interest of the mother country, as well as of the Crown, and so little tending to the real benefit of the colony itself, that it will be found they flatter themselves in vain, if they imagine they can ever give them a stability and permanency.

Therefore their Lordships are of opinion that the Council did right in refusing their assent to the bill sent up from your House, to apply several sums of money for the use and security of this colony; and I hope you will take these weighty reasons into your most serious consideration, and provide a permanent revenue for the support of government, in such manner as may put an end to any disputes on that head."

Paper currency had long been in use in the colony, represented chiefly by bills of credit, but the volume of this currency had evidently become the subject of serious consideration by the home government, and concerning it the Lieutenant-Governor in this message said:

"There is another point in their Lordships letter, on which it is proper you should know their sentiments. Their Lordships are inclined to believe, from the nature of paper currency in general, that a moderate quantity, issued upon proper security, and having a proper fund for its redemption, within a reasonable time, may operate to the advantage of a colony, and may also be the least burthensome method of levying money for the supply and support of government; but are of opinion, that the making such paper money a legal tender in all payments, is unnecessary, improper and inconsistent with the sense of Parliament, and therefore if there should be such difficulties in raising money in the present emergency in the usual way, as might be an inducement to fall into this method, their Lordships think that the bills ought by no means to be declared legal tender; and that the interest arising from the loan of the bills, should, during their continuance, be appropriated and applied to the services of government, in the manner prescribed by his Majesty's instructions: provided, that I do not give my assent to any act of this sort, without a clause being inserted therein, suspending its execution until his Majesty's pleasure be known.

In the present situation of affairs, such large sums of money are necessary for putting this Province in a respectable posture, and for securing the Indians in their fidelity to us; that I am content, since the sums required for these services cannot be timely raised in the usual way, to give my assent to an act for emitting bills of credit for those purposes, if the same be framed conformable to the above directions to me."

November 27. To the foregoing message the Assembly replied in an address disclaiming any intention to encroach upon the royal prerogative, but declining to recede from the policy of annual appropriations. Conceding the necessity of repairing fortifications and constructing new ones, the address declares that in view of the heavy expenditures incident to the late French war, from the effects of which the colony had not yet recovered, it would be impracticable to attempt to provide funds for fortifications, except by a paper emission, "but to emit bills of credit without making them a lawful tender, we are confident, will be absolutely useless and without effect, for we are fully persuaded, that no man in the Province will be willing to accept of that for money, which he knows that another may refuse to receive as money from him, and if a law, even under this restriction, must have its execution suspended till his Majesty's pleasure can be known, this his Majesty's loyal colony may fall a prey to some ambitious avaricious enemy, before any return can be made."

After expressing the opinion that the Assembly could not consistently with its duty to its constituents pass a money bill whose operation must be suspended until it could receive the royal approval, the address concludes with the assurance of support in any plan the Lieutenant-Governor might deem proper for the purpose of erecting another fort on the Hudson River north of Albany.

On the public presentation of this address by the Assem-

bly, the Lieutenant-Governor delivered an answer, in which he said:

"The ruinous condition of the fortifications, the necessity of repairing them, and of erecting others for the security and preservation of this Country, is but too evident; and this is the strongest motive that can possibly be urged for falling upon some measures effectually to provide for those services. And as I am equally sensible with you, from the present circumstances of the Province, that they are not to be done without a paper emission, I was willing to give into this method under the restrictions contained in my instructions: that of the suspending clause is not new, and has been formerly observed here; and that the bills should not be declared to be a legal tender in all payments, was thought necessary from the great abuses which some of the colonies had run into by large paper emissions, upon slender funds, and long periods; abuses of such a nature, as occasioned the interposition of the British Parliament, to whom the merchants of London applied for relief, as they had suffered greatly by the depreciation of the bills, and some times had little more than half the real value of the effects sold but a few years before remitted to them. The paper money in this Province hath fallen very little in its value, and held its reputation, so that twenty shillings passes now equal to eight or nine pounds, of the bills of some other Provinces, owing in a good measure to the solid funds upon which the bills of this colony were emitted; I must therefore recommend to your consideration, whether it would not be for the safety of the Province to pass a bill, with a suspending clause, for emitting forty thousand pounds, to be sunk by a tax of five thousand pounds a year, on estates real and personal, to commence in the year 1757, when the present taxes will cease. The bills to be declared not a legal tender for the debts contracted in Great Britain. As this fund would sink the bills in eight years, which is no

long period, I am persuaded they would keep up their credit, and be readily received in all payments; and I desire you to bestow your attention again on this matter."

The next day the Assembly adopted resolutions adhering to its policy as expressed in the foregoing address, and declining to pass a bill in the form recommended by the Lieutenant-Governor.

December 7. The Assembly adjourned to the second Tuesday in March, 1755, but on the 10th of January, the Lieutenant-Governor issued a proclamation convening the Assembly on the 4th of February.

1755. February 4. The Legislature met and received from the Lieutenant-Governor the following

MESSAGE.

GENTLEMEN.—I thought it necessary to call you together before the time to which you were adjourned. Two causes have principally induced me to take this step. Since your recess I have received a letter from the Right Honorable Sir Thomas Robinson, one of his Majesty's principal Secretaries of State, a copy of which is herewith sent you, acquainting me with the measures which the King has thought proper to take for the defence of his just rights and dominions in North America, and for the security and welfare of his subjects in these parts. These are such proofs of his Majesty's regard to us as ought to excite us to take the most vigorous steps to repel our common danger, and rouse up that emulation and spirit which every man owes at this time to his Majesty, the public and himself. I do therefore most earnestly recommend it to you that in duty to his Majesty and in gratitude for so signal instances of his paternal care of you, you will make sufficient provision to enable me fully to come up to what his Majesty so justly expects at your hands.

While the King's troops are employed in the defence of

his just rights, we have all the reason under God to expect a happy issue; and from the maxims and practices of our foreign neighbors, have we not cause to apprehend that they will make some vigorous push to revenge themselves on one or other of the British colonies, and if we continue in our present defenceless state, what more probable than that they will bend their force this way? This is an alarming consideration, and I hope will have the proper weight with you not to discourage, but rather to animate you to fall upon such ways and methods (they are in your own power) as will encourage men with alacrity to fight for the honor of their King, and for the most valuable blessings, their religion, their liberties, and their property. These are motives which would inspire any man of courage. But what can the bravest men do without proper works to cover them and annoy the enemy? Let me therefore exhort you to put the Province in such a posture of defence, and that without delay, that whenever an enemy shall think proper to visit us, we may by the blessing of God give them such a reception as may discountenance all future attempts to conquer and enslave us. Besides, there is this very considerable advantage in being well fortified, that an enemy will not think of attacking a place where they must expect a very rough treatment, with little hopes of success.

In the first place then, the fortifications of this city ought to be repaired or altered, and other works made, where the Commander-in-Chief, with the advice of the Council, and the assistance of the best engineers that can be had, shall think most conducive to the common safety; with this view, and in full dependence that you will not neglect your own security, I have already applied to General Braddock to send an able engineer to this place, if one can be spared. Nothing can be more evident to a considering man, than that the value every estate in the Province depends on the

trade, and of course on the safety of this city, so that there is the highest reason it should be effectually secured.

In the next place, our northern frontier demands your most serious attention. The city of Albany is in such a condition as draws a reproach upon us from our own Indians, at the same time that it greatly discourages them. They publicly declared at the last interview that it was a shame to see us so open and defenseless, and said that the French who are just at our doors could come in at night and turn us all out.

Albany should therefore be strengthened, for if that be taken, I do not see what could stop an enemy from passing on the west side of Hudson's River, through Ulster and Orange, even into Jersey or Pennsylvania, and being masters of Albany, they would cut off all communication between us and the Indians, and the settlements on the Mohawk's River.

It is necessary to have a strong fort built in some advanced place on Hudson's River, well garrisoned, and whence a number of scouts may be employed to gain intelligence and give notice of the approach of an enemy that the inhabitants may be on their guard and ready to receive them and be able to intercept any small parties that come to disturb or destroy the out-settlements. Such a fort would be of service to the whole country.

The militia act should be made more effectual to compel men to do their duty in case of an invasion.

I have already laid before you several of these matters and others relative to the Indians; which you will take into consideration. I send you a copy of a letter from the Commissioners for Indian Affairs and an extract of another I received from the Corporation of Albany. It will be proper to make provision for contingent services suitable to the exigency of the times, and as an interview with the Indians may be necessary this year, you will think of making provision for that purpose.

GENTLEMEN.—The services I have now recommended to you demand a large supply of money; but as security cannot be purchased at too high a rate, I flatter myself you will not risk losing your all by an ill-timed parsimony. I can have no interest therein but what is yours. Let me entreat you then to apply yourselves most seriously to consider of such funds as will be sufficient to defray all the expenses necessary for your own preservation and the continuance of the blessings we now enjoy.

JAMES DE LANCEY.

City of New York, 4th February, 1755.

February 11. The Lieutenant-Governor sent the following message to both Houses:

"There is at this time a very pernicious trade carried on from this Province, which deserves your consideration. The French at Louisbourgh, are furnished with provisions from this and some of the northern colonies, whence they supply Canada and their forces on the Ohio, and are thereby in a condition to support themselves in their encroachments on his Majesty's territories.

I therefore think it will be for his Majesty's service and the general safety, that a law be passed to restrain this evil practice and impower the Commander-in-Chief, with the advice of his Majesty's Council, to put a stop to it when necessary, by laying such penalties on the owners, freighters and masters of vessels using this trade, as may discourage them from prosecuting a business of such visible bad consequences to the general interest.[7]

JAMES DELANCEY."

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[7] Four acts passed in 1755, February 19th, chap. 971, May 3, chap. 976, July 5th, chap. 983, and September 11th, chap. 989, were intended to prevent the exportation of provisions and warlike stores from the colony, and especially into French territory.

March 26. The approaching war is indicated in the following message sent by the Lieutenant-Governor to both Houses:

"I have the pleasure to acquaint you with the arrival of General Braddock, and the two regiments ordered by his Majesty to Virginia. This makes it necessary for me again to recommend to you the enabling me to quarter the troops, impress carriages, and provide all necessaries for such forces as shall arrive or be raised within this Government; these being services of a local and peculiar nature. And further, that you would raise as large a sum as can be afforded, as your contribution to a common fund for all articles which are of a more general concern, to be employed provisionally for the general service of North America, until such a time as a plan of general union of his Majesty's Northern colonies for their common defence, can be perfected, according to his Majesty's pleasure signified to me by a letter of the 26th of October last, from the Right Honorable Sir Thomas Robinson, already laid before you.[8]

I send you herewith copies of some papers I received from his Excellency Governor Shirley, which are of such importance as require your early and most serious attention, the rather as the measures proposed therein tend to unite our common strength for our common defence, and I hope will lead us into a general union for the general welfare. The French encroachments are chiefly owing to the want of this. If the British colonies act in concert, they will soon be able, with his Majesty's assistance, to check and remove them. You will not, I am persuaded, be so regardless of your safety as to neglect the means and measures for your own preservation, but in this, and all other instances, show your readiness to join with the other colo-

[8] An act passed May 3, 1755, chap. 977, provided for raising and subsisting eight hundred men for service in this campaign. The act also appropriated ten thousand pounds for general military purposes. An impressment act was also passed May 3, 1755, chap. 978.

nies in all reasonable methods to protect and secure yourselves, and the common interest, and avoid the disadvantageous imputation of backwardness on your part, to engage in a plan calculated for the good of the whole.

I am under a difficulty to get the garrison of Oswego supplied with provisions, the contractor being unwilling, by reason of the disappointments in his pay, to disburse any further sums in that service. You will therefore think of making provision that the public may not suffer through any delay of payment, and particularly that this garrison of so great importance, be not in danger of being lost.

JAMES DELANCEY."

Also transmitting papers relating to Indian affairs and other matters of importance.

March 27. A joint committee of the two Houses was appointed to consider this message. Both Houses adopted a report of a committee approving Governor Shirley's plan for the defence of the colonies, and recommending its adoption, provided it should meet the approbation of the General appointed to command the British forces. The report also recommended that New York raise and subsist eight hundred men, provided Massachusetts would raise fourteen hundred men according to the apportionment made by the Congress held at Albany in the preceding June. (See note 8.)

April 23. The Lieutenant-Governor sent the following message to both Houses:

"Since our late meeting, I have been at Alexandria, in Virginia, to confer with General Braddock; and I now acquaint you, that he approves of Governor Shirley's plan which I laid before you; so that you will proceed with the utmost dispatch on the ways and means to enable me to carry into execution that part of it which this Province has undertaken, according to your resolution of the 27th of last month. (See note 8.)

JAMES DELANCEY."

May 27. Transmitting a copy of a letter from Secretary Robinson, the Lieutenant-Governor said:

"During your recess I made application to the Government of Connecticut to raise a number of men in that colony, in the pay of this Province, and have obtained leave to raise three companies, as you will see by a copy of the resolve of the Assembly, which I shall order to be laid before you. I have given warrants to five other persons, such as were recommended to me as able to raise companies, which I hope they will soon complete. I have ordered cartouch boxes to be made, this article being omitted in the act lately passed, and which you will now provide for. I have wrote to Governor Dinwiddie, requesting the loan of arms for the men, but have as yet received no answer; it will therefore be necessary to make provision for a supply of arms, in case we should be disappointed of those. It will likewise be necessary to cause such forts to be erected on Hudson's river, and in other places, as shall be thought expedient for securing stores, sheltering men, and receiving the sick and wounded, and keeping open a communication between Albany, and the Provincial Troops; and to build a proper vessel to command the navigation of the lake, and thereby deter the French Indians from passing this way. You are well apprized that the assistance of a number of Indians may contribute greatly to the success of the present expedition; and that when engaged, they must be supplied with arms, ammunition and provisions; and as these things cannot be executed without a considerable expense, I earnestly recommend it to you to make immediate provision for them, by furnishing the proportion of this colony towards this common charge, and the expenses that Major General Johnson, Commander-in-Chief of the Provincial troops, will unavoidably be put to; and I

think that the Provinces concerned, ought to make him appointments suitable to his rank and station.[9]

When I attended General Braddock, and Commodore Keppel, Commander-in-Chief of his Majesty's ships in North America, with several of the Governors of the Provinces in Council at Alexandria, the plan of operation for this summer was concerted; one article of which will be laid before you, relating to the presents to be made to the Indians. This was a service so essentially necessary, that I can have no doubt but you will immediately raise money to defray that part of it which I undertook in behalf of this Province. [See note 9.]

General Braddock considering the fort at Oswego as a post of the greatest importance, and having been informed of its present defenceless condition, and the weakness of its garrison, has ordered the effectives of the two independent companies and two companies of Sir William Pepperell's regiment thither, to reinforce it; and as this service required the utmost dispatch, and could admit of no delay, and that a post of so great consequence to this, and the other colonies, might not be exposed to the danger of a surprise from the French, who pass it in great numbers in their way to and from the Ohio, I thought it for his Majesty's service, and with the advice of the Council, I ordered battoes to be built, and provisions and other necessaries, to be supplied out of the Five thousand pounds, appropriated among others for the extraordinary services which may be judged necessary for the use and security of this colony, in this critical and extraordinary conjuncture; and as soon as the accounts of the charges are brought in, I shall order them to be laid before you. The importance of the post, the necessity of

[9] Appropriations for the Crown Point expedition were included in an act passed July 5, 1755, chap. 984, including the employment of Indians. The act also appropriated eighteen hundred pounds for eight hundred stand of arms.

a speedy reinforcement of men, and a supply of provisions for them, induced me to take these measures, which I conceived to be of the utmost service to this and his Majesty's other colonies, as they secure the pass into the Indian Country, and into this Province, and will tend to encourage the Five Nations to declare themselves for us, when they see so strong a garrison at that place.

JAMES DELANCEY."

May 29. Transmitting several papers relating to the enterprise of erecting forts at or near Crown Point. (See note 9.)

June 10. Both Houses received the following message:

"I have received from the Honorable Robert Dinwiddie, Esq., Governor of Virginia, six hundred stand of arms, and their proper accoutrements, for the use of the troops raised in this Province, the cost of them and the reasons why he could not spare two hundred more, you will find in the copy of his letter. I desire you will make provision for sending Governor Dinwiddie a bill of exchange for the amount, which I think the best method, or find means to replace the like number and of equal goodness. (See note 9.)

I have before recommended to you to pass a bill more effectually to restrain and prevent the selling of rum to the Indians; complaints of this abuse are frequent, and it may have very fatal consequences, and therefore I again recommend it to your consideration, and that you would insert a clause to punish the buyers or pretended exchangers, of their arms, ammunition, or clothing. I have lately had a complaint from the minister of Auchwick, and a fresh one from General Johnson, on this subject, which I shall order to be laid before you. The mischief is great and growing, and requires a speedy and severe remedy. (See note 3.)

In the quotas to be settled for the contingent charges which may arise, none of the colonies ought at present to be considered, but such as are engaged in the expedition, least the service should suffer by it, or by too minute a calculation, the proposed expedition is of such consequence that it ought not to be retarded by any light consideration.

Having been informed that the General of Canada had invited the Six Nations to a meeting this spring, at Montreal, I thought it necessary to use my endeavors to prevent it; and to that end, sent them a present of Indian Corn, and directed the Commissioners for Indian Affairs to send a proper person into their country to dissuade them from going thither. Mr. Van Schaick, the recorder of Albany, who went on that service is returned, and acquaints me by letter that he had left them in very good humor; that they were well pleased with the notice taken of them, and that all the Six Nations were seemingly unanimous in continuing firmly attached to his Majesty's interest. This service should be provided for, and also that of the smiths I sent to reside in the Seneca's country. I have received the account of those who were at Onondaga, which shall be laid before you.

I have received good accounts of the levies made in Albany and Westchester counties for the service of this Province, and soon expect a satisfactory one from Governor Fitch. I have been disappointed on Nassau Island, and have sent an express into Dutchess county, where I hope for success; but that a service which so nearly concerns the welfare of this country, may not be retarded or frustrated, I must in the most earnest manner press you to enable me to draft out of the militia, such a number of men as will complete the eight hundred, voted for this expedition. I am astonished at the backwardness I found in Suffolk county, and that men should refuse to engage in an enterprise so evidently calculated for the safety and

future security of the colonies. I hope by your zeal on this occasion, you will wipe off an aspersion that may otherwise be cast on you. It is high time we should exert ourselves to stop up a passage by which the French, (no less barbarous than the Indians) send their savages to murder, scalp and lead into captivity the British subjects; an instance of which I had this morning an account of from Major Vanderheyden, who informs me, that at Hoseck the French Indians had murdered and scalped one boy, and carried away two others, all the children of one George Brimmer, who was then at plough in his field, with three of his sons. These things are not to be endured; exert yourselves then with vigor to put an end to such barbarities.

JAMES DELANCEY."

June 13. Informing the Assembly of a change of plan of proposed military operations. The record does not explain the proposed change.

June 17. Transmitting information relative to the appropriations being made by Massachusetts for the expedition against Crown Point, the Lieutenant-Governor said:

"My opinion is that you should provide the sum of Two Thousand Pounds, being one-fifth part of the computed expense of the train, as the quota of this Province, to be laid out in such articles as the Governments do not furnish, and that this Province do take the like proportion out of the provisions sent by Pennsylvania. I have ordered proper carriages to be made for the cannon, and shall give directions for a quantity of shot suitable to them, and for such other particulars as shall be thought necessary, which the other governments may have omitted.

I think it requisite a sum should be allowed and advanced by each Province concerned in this expedition, to defray the expense Major General Johnson must unavoidably be put to on this occasion.

It seems very expedient that a sum of money, as the quota of this colony for engaging the Indians in the intended expedition, should be lodged in the hands of the proper agent at Albany, ready to be paid on Major General Johnson's drafts, that the service may be carried on with vigor, and it is highly reasonable the other colonies should have an agent at the same place for the like purpose, and for receiving and forwarding intelligence to their respective governments.

A quarter master is wanting for the Provincial regiment; as he is a necessary officer you will provide for his pay, and I will commissionate a proper person." (See note 9.)

June 17. Informing the Assembly that Philip Verplanck had been appointed to make plans for fortifying Albany, Schenectady and Kinderhook, that he had performed that service, and recommending an appropriation for his compensation and expenses.[10]

June 25. Transmitting papers from Governor Shirley and Major General Johnson relating to the expedition to Crown Point and to Indian affairs.

June 30. Transmitting several letters from Governor Shirley.

July 4. Transmitting a letter from Lieutenant-Governor Phips and also a resolution by the Massachusetts Assembly recommending that New York if need be raise an additional number of men for the Crown Point expedition.

August 6. The Assembly had adjourned from July 5 to the 22d, and from that date to the 5th of August. The next day the Lieutenant-Governor sent the following message to both Houses:

"I have again called you together sooner than I expected. The defeat of the troops under General Braddock, and the retreat of the whole under Col. Dunbar, make it nec-

[10] Philip Verplanck's compensation and expenses were provided for by an act passed July 5, 1755, chap. 984, relating to the Crown Point expedition.

essary for all the colonies to take vigorous measures upon this incident. The French will exult on their victory, their Indians will be more insolent than ever, and ours will be more disheartened. The French will endeavor on this occasion to improve their interest, and to make deep impressions on the minds of our Indians to our disadvantage, who from this instance may be persuaded to think them so far superior to us as, out of fear, either not to assist, or perhaps abandon us. This view of our affairs, calls for all our attention to remove the impression the disaster may cause, and to prevent the bad consequences that may flow from it. And I am of opinion, the only effectual method to abate the pride of the French, curb the insolence of their Indians, and confirm and animate ours, is immediately to raise more troops, to support and reinforce those already on foot. We have the means, under God, in our power, let us then with unanimity, spirit and resolution, exert those means he has put into our hands, in the defence of our religion from popery, our persons from slavery, and our property from arbitrary power. The safety and being of the British colonies are near a crisis. It behooves us therefore to take right measures, and to pursue them with steadiness and fortitude, to avert the evils, the detestable evils, which bondage on our minds, persons and estates, carry with it. The spirits of our troops may be somewhat dampened by the accounts of the unexpected defeat near the Monongahela, and nothing will probably tend more to reanimate them than our proceeding immediately to raise an additional number of men to join them. Nor can anything be more effectual to confirm our Indians in their dependence on us, than to show them we have strength sufficient to protect them, defend ourselves, and to chastise our enemies. Let it be exerted with the utmost vigor. As the Provincial troops are already on their march, any assistance we give them must be sent without the least delay; and therefore,

if a sufficient number of volunteers do not offer, it is necessary drafts should be made, that the succours be dispatched with all speed.[11]

GENTLEMEN.—We are now in such a conjuncture as makes it necessary to have the treasury well supplied, to answer any emergency and sudden call. I must therefore recommend to you to provide funds for that purpose. I have thought of the three following: A poll tax of ten shillings or more, on every slave from fifteen to fifty years of age; an excise upon tea; and a stamp duty. The first cannot be thought heavy, as none but persons of some substance possess slaves, and the tax will fall equally according to men's abilities; the second is a tax upon a superfluity of pernicious consequence to the healths and purses of the people, and therefore a proper object of a tax; and the third will be so diffused as to be in a manner insensible. I would have you take these things under your consideration, and if they appear insufficient for the services we are engaged in, I must earnestly recommend it to you to make an addition to the tax on estates real and personal. We are all so deeply concerned in the operations of this year, that I persuade myself you will do all that is in your power to give a happy issue to them.

JAMES DELANCEY."

At the same time the Lieutenant-Governor transmitted papers relating to Indian affairs, including a letter from Lieutenant-Governor Phips of Massachusetts relative to raising an additional number of men to facilitate the reduction of Crown Point.

August 12. Transmitting a letter from Governor Shirley dated August 7, informing the Lieutenant-Governor

[11] August 11th, the Assembly passed an act to provide for raising four hundred additional men for the Crown Point expedition, but it does not seem to have received the Council's assent.

that he had ordered the forces under the command of Col. Dunbar to march to Albany.[12]

September 2. The Lieutenant-Governor sent the following message to the Assembly:

"I have thought it necessary again call you together, that you might be apprized of the steps taking by some of the governments, engaged in the expedition set on foot, to remove the French from their encroachments on his Majesty's territories to the northward of Albany. I send you copies of letters I received from General Johnson, with minutes of the Councils of War, held at the Great-Carrying-Place, and also the intelligence I have had from the governments of the Massachusetts Bay and Connecticut, by which you will perceive that the government of the Massachusetts Bay are raising eight hundred men to reinforce the Provincial troops under Major General Johnson, and that the colony of Connecticut, are raising fifteen hundred men, over and above the five hundred Governor Fitch was impowered to raise by a vote of that government. The zeal of the colony of Connecticut on this occasion cannot be sufficiently applauded; they are exerting themselves in a most laudable manner for the general benefit of all the British colonies, even to the utmost of their abilities, as to the expense which must necessarily grow from raising and supporting the thousand men they now have with Major General Lyman, and these two thousand additional men, for a reinforcement to the Provincials. Upon these considerations, I do most earnestly recommend it to you to take measures suitable to this occasion. It would be a most sensible mortification to me, to find this Province backward in bearing their share, in a matter so nearly touching their honor, their interest, and perhaps their

[12] An act passed August 14th, chap. 986, providing for the sale of certain provisions in Albany, authorized the use of a part of the proceeds for the subsistence and transportation of Col. Dunbar's force which was to be sent to Albany.

being. This Province has already done much for their security, and contributed their full quota to the first plan of the expedition; go on then to accomplish a work already begun, exert yourselves so, as that we may appear with credit, and that we may by the blessing of God have reason to expect a happy issue to our undertakings in so just and righteous a cause.[13]

JAMES DELANCEY."

GOVERNOR HARDY ASSUMES OFFICE.

September 3. Sir Charles Hardy Kt., who had been appointed Governor by a Commission dated March 1, 1755, took the oath of office and published his commission.

September 4. Governor Hardy sent the following message to both Houses:

"Mr. Delancey, the late Commander-in-Chief, hath communicated to me the message and intelligence, he lately sent you; and it gives me the greatest satisfaction to find you already so far engaged in a matter in which his Majesty's service, and the welfare of these colonies, is so much interested. The cheerfulness and alacrity with which you have granted the necessary supplies for this important service, are the most convincing proofs of the good dispositions of the people of this Province, and give me the greatest hopes that you will upon the present occasion, (in concurrence with the neighboring colonies engaged with you) add that further aid and assistance which appears so necessary. As to the manner of doing it, you will consider in what way the state and circumstances of this Province are best able to effect it.

The Lieutenant-Governor, from his attachment to his Majesty's service, and great knowledge of the country, has

[13] The Legislature acted promptly, and on the 11th of September passed an act, chap. 988, appropriating eight thousand pounds toward the expenses of two thousand Connecticut men for the Crown Point expedition.

laid this matter before you in a way that leaves me nothing to require, but that you would proceed with the utmost dispatch on the matters recommended in this message.

CHARLES HARDY."

September 8. Transmitting a letter from Governor Fitch of Connecticut of the 6th instant, relating "to the manner of drawing for the eight thousand pounds, contributed to the colony of Connecticut, towards the two thousand men now levying in the said colony; wherein the said governor gratefully thanked this colony for the said contribution. Which letter being read, Governor Fitch's request with respect to the drawing of said money was agreed to."

September 8 and 9. Thanking the Council and Assembly respectively for its congratulatory address.

September 11. The Assembly was prorogued to the 30th instant.

ALBANY PLAN OF UNION, 1754.

This plan of union was proposed by a convention or congress composed of 25 members, which met at Albany in June, 1754. The congress had its inception in a letter from the Lords of Trade to Governor Osborn, dated September 18, 1753. The Governor had already sailed for New York, where he arrived on the 7th of October, but the letter was not received until some time after his death, which occurred on the 12th. Lieutenant-Governor De Lancey, having assumed the executive office, the letter came into his hands, and its directions were executed by him. This letter reminded Governor Osborn that it had been usual on former occasions, when an interview had been held "with the Indians, for the other neighboring governments in alliance with them to send commissioners to be joined with those of New York," and the letter stated that communications had

been sent to the Governors of Virginia, Pennsylvania, Maryland, New Hampshire, Massachusetts Bay and New Jersey, "desiring them to represent to their respective Assemblies the utility and necessity of this measure, and to urge them to make proper provision for it." The Governor was required to give early notice of the proposed meeting, and it was recommended that all the Provinces be if practicable comprised in one general treaty to be made in his Majesty's name, it appearing to us that the practice of each Province making a separate treaty for itself in its own name is very improper and may be attended with great inconveniency to his Majesty's service."

The letters to the other Governors were transmitted to the Governor of New York, with the letter to him, and on the 24th of December, 1753, Lieutenant-Governor De Lancey, writing to the Lords of Trade, acknowledged the receipt of these letters, and said he had forwarded them according to their directions with a notice that he had appointed the interview with the Indians to be held at Albany, on the 14th of June, 1754. (Col. Doc., vol. 6, p. 817.) Commissioners were present from New York, New Hampshire, Massachusetts Bay, Connecticut, Rhode Island, Maryland and Pennsylvania. New Jersey, Virginia, North Carolina and South Carolina were not represented in the Congress.

The Congress was called primarily to consider questions relating to Indian affairs and the defence of the colony, but the commissioners from Massachusetts received additional authority to enter "into articles of union and confederation with the aforesaid governments for the general defence of his Majesty's subjects and interests in North America as well in time of peace as in war." After deliberating several days on Indian affairs, the convention unanimously resolved to consider the question of colonial union, and finally adopted the plan which is the subject of this note. Benjamin Franklin, a commissioner from Pennsylvania,

was the leading spirit in promoting and arranging the plan for a general union of the colonies. The Congress met at Albany, June 19, 1754, and the plan was adopted on the 10th of July. It is often referred to in official correspondence of the period, as the "Albany Plan," and in the instrument itself the plan is sometimes called a constitution. In some particulars it resembles the Articles of Confederation of the Revolutionary period, and the subsequent Federal Constitution. The text of the plan is given in New York Colonial Documents, volume 6, page 889, in O'Callaghan's Documentary History of New York, volume 2, page 612, in the Pennsylvania and Massachusetts Historical Records, and also in Franklin's Works.

By the terms of the instrument, application was to be made for an act of Parliament providing for " one general government " in America, to include all the colonies, each colony to retain its existing constitution except as modified by the act of Parliament.

The new government was to be administered by a " president general," to be appointed and supported by the Crown, and a " Grand Council " composed of delegates chosen by the several colonial Assemblies.

New York was to have four delegates, Massachusetts Bay seven, New Hampshire two, Connecticut five, Rhode Island two, New Jersey three, Pennsylvania six, Maryland four, Virginia seven, North Carolina four, and South Carolina four, making a Council of forty-eight members.

Members of the Council were to hold office three years, and the first meeting was to be held in Philadelphia.

After the first three years, the ratio of representation was to be determined according to the amount contributed by each colony to the general treasury.

The Council was required to meet at least once in each year. A quorum was to consist of twenty-five members " among whom there shall be one or more from a majority of the colonies."

The Council was to choose its own Speaker, and "shall neither be dissolved, prorogued, nor continue sitting longer than six weeks at one time, without their own consent, or the special command of the Crown."

Provision was made for a per diem compensation to the members, and also for their traveling expenses.

No act of the Grand Council was to be valid without the assent of the President General, and he was required to carry all such acts into execution.

The President General and Grand Council were given exclusive control of Indian affairs, including the power to make peace and declare war, regulate Indian trade, purchase Indian lands for the Crown, provide for settlements on such lands by grants thereof in the King's name, reserving quit rents to be paid into the general treasury, and to "make laws for regulating and governing such new settlements, until the Crown shall think fit to form them into particular governments."

The President General and Grand Council might also "raise and pay soldiers, and build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts and protect the trade of the ocean, lakes or great rivers."

The President General and Grand Council were vested with power to "make laws and lay and levy such general duties, imposts or taxes as to them shall appear most equal and just," and the plan also provided for the appropriation and application of public funds. The "general accounts" were to be settled annually and reported to the several Assemblies.

Following the provision usually inserted in commissions and instructions to colonial Governors, the plan provided that laws passed by the Grand Council "shall not be repugnant, but as near as may be agreeable to the laws of England, and shall be transmitted to the King in Council for

approbation, as soon as may be, after their passing, and if not disapproved within three years after presentation to remain in force."

"In case of the death of the President General, the Speaker of the Grand Council for the time being shall succeed and be vested with the same powers and authorities, to continue until the King's pleasure be known."

Military and naval officers were to be nominated by the President General and confirmed by the Grand Council. Civil officers were to be nominated by the Grand Council and approved by the President General. Vacancies were to be filled temporarily by the Governor of the colony in which such vacancy might happen. Existing civil and military establishments in the several colonies were continued without change.

The plan was to be submitted to the several colonies for ratification.

On the 22d of July, 1754, Lieutenant-Governor De Lancey transmitted to the Lords of Trade a record of the proceedings of the Congress, including the proposed plan of union. On the 29th of October, the Lords of Trade transmitted the plan to the King, accompanied by a "representation" containing a synopsis of the plan with some comments, but no opinion was expressed as to that part of the plan relating to a general union of the colonies.

It is a noteworthy coincidence that on the 14th of June, 1754, the day appointed for the meeting of the commissioners from the several colonies, of which the home government had already been informed by Lieutenant-Governor De Lancey, the King gave directions to the Lords of Trade to prepare a "plan of general concert" for the "mutual and common defence" of the colonies, "and to prevent or remove any encroachments upon his Majesty's dominions," which plan was to be sent to the Governors of the American colonies.

On the 9th of August, the Lords of Trade reported a general plan in conformity to the King's instructions. It consisted chiefly of provisions relating to military and Indian affairs, including fortifications and operations in time of war. It emphasized the importance of putting Indian affairs under one general direction, and the immediate necessity of a union of the colonies for the purposes embraced in the plan, and for the purpose of consummating the object of the plan, it was recommended that a Convention be called, to which each colony was to send one delegate. This convention was to be authorized to determine all questions relating to the number of forts and troops which might be needed, and to apportion the expense of the united military establishment among the colonies according to the "number of inhabitants, trade, wealth and revenue of each colony." A Commander-in-Chief of all the military forces in the colonies was to be appointed by the Crown. No general treasury was provided for, but drafts for expenses incident to the united military establishment were to be drawn upon the treasuries of the several colonies according to their respective apportionments. The Commander-in-Chief was to make an annual report to the colonies, and also to the home government, and each colony might provide for inspection of fortifications. The plan which might be adopted by the convention was subject to royal approval.

The Albany plan of union was never consummated. It it said that it was disapproved by the home government because it encroached too much on the royal prerogative, and that it was disapproved by the colonies because it did not give sufficient independence. It is worth while to remember that the phrase "articles of confederation" used in the appointment of the Massachusetts commissioners in 1754, was adopted twenty-four years later (1778), as the name of the instrument which embodied the union of the

colonies during the Revolution, and that two members of the Albany Congress, Benjamin Franklin and Stephen Hopkins, were, twenty-two years afterwards, members of the Continental Congress that framed and promulgated the Declaration of Independence.

No action seems to have been taken in the colonies on the plan proposed by the Lords of Trade.

1755. DECEMBER. TWENTY-SEVENTH ASSEMBLY, SEVENTH SESSION.

Sir CHARLES HARDY, Governor.

The session opened December 2d, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—His Majesty having been pleased by his royal commission to constitute me his Captain-General and Governor-in-Chief of this Province, my departure from England was no longer delayed than in making the necessary preparations for it. Upon my arrival I found this and several other of his Majesty's colonies cheerfully engaged in an expedition for removing the French encroachments at Crown Point, and soon after received an account of the action on the 8th of September last, between the Provincial forces under the command of Major-General Johnson and the forces under the French General the Baron de Dieskau, in which the latter were repulsed and himself taken.

On the fourteenth I embarked for Albany, to reside there during the further prosecution of this design, that I might be nearer at hand to render every assistance in my power to promote the success of it, which I am sorry is not equal to the expectations we flattered ourselves with.

Two forts have been erected by the army, one at the Great-Carrying-Place on Hudson's River, and the other at the south end of Lake George. These forts will not only facilitate any further attempt against the enemy on that quarter, but if properly maintained and garrisoned, tend greatly to the security of the country. Before I left Albany measures were concerted for placing garrisons in them, and commissioners in the behalf of this Province, the Province of Massachusetts Bay and the colony of Connecticut are gone to the camp to settle everything relative to the garrisons, and when fixed, to discharge the rest of the forces, conformable to an agreement, which with other papers necessary for your information I shall order to be laid before you.

GENTLEMEN.— I am commanded by his Majesty to recommend to you, in his name, without delay to consider of a proper law to be passed for settling a permanent revenue upon a solid foundation, for defraying the necessary and established charges of government, taking care that such law shall be indefinite without limitation of time, and that provision be made therein for a competent salary to the Captains General and Governors-in-Chief of this his Majesty's Province, and likewise for competent salaries to all judges, justices and other necessary and usual officers and ministers of government, and also for a certain permanent fund for repairing and maintaining the fortifications, for making annual presents to the Indians, and for the other contingent expenses attending that service; and in general for all such other charges of government as may be fixed or ascertained.[1]

As the act to regulate the militia of this colony will expire by its own limitation on the 19th day of February next, I must recommend to you the continuing of that use-

[1] The general appropriation act, chap. 994, passed December 23, 1755, was limited to one year, in accordance with the policy which had already become firmly established.

ful law, with such alterations or amendments as may appear to you to be necessary.[2]

Gentlemen of the General Assembly.— From my short residence in this Province it cannot be expected I should point out to you any new funds for raising the necessary supplies. You will consider of the revenue his Majesty demands of you for the support of his government, and if the fund heretofore established for this service appear insufficient, you will fall upon such others as will effectually answer his Majesty's just expectations. I shall only recommend to you to avoid as much as possible the laying any further impositions on trade, upon the encouragement of which the prosperity of every trading country principally depends.

As the two forts built by the provincial forces are to be garrisoned by a proportion of the troops raised by each government, I must recommend it to you to provide your quota of that expense, and also for the payment of what is still due to the troops, and such contingent charges as have arisen in the course of this service.[3]

Gentlemen of the Council and General Assembly.— His Majesty ever zealous in promoting the happiness of his people is taking such measures to vindicate the honor of his Crown, and for the defence of his undoubted right and dominion as must excite in all his subjects the highest sentiments of duty and gratitude, and as from the present critical conjuncture of affairs, a rupture with France may be soon expected, and the French, even at this time are using strong efforts to distress these colonies, it behoves every one to exert himself to the utmost of his ability. I shall not therefore doubt of your enabling me to enter into

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2 A militia law was passed February 19, 1756, chap. 996.

3 An act for the payment of the debts of the colony and for other purposes, chapter 1008, passed April 1st, made an appropriation for the pay of troops garrisoned at Fort William Henry and Fort Edward.

and pursue such measures as shall appear necessary for our own, and the defence of all his Majesty's colonies, the prosperity of which I hope in the course of my administration to convince you I have most warmly at heart.

CHAS. HARDY.

Fort George New York
3d December 1755.

SPECIAL MESSAGES.

December 5. Thanking the Council for its address.

December 10. The Assembly on this day presented to the Governor an address, containing the following suggestions concerning revenue laws:

"We wish we could, with equal satisfaction, reconcile to ourselves your Excellency's recommendation of an indefinite support; but humbly beg leave to inform your Excellency, that we have no permanent funds on which to establish such a revenue, nor do any occur to us without very apparent inconveniences to our constituents. We therefore most humbly hope we shall stand acquitted in the eyes of our most gracious sovereign, if we decline a measure so directly opposite to the sentiments of almost every individual of the colony. We cannot leave this subject without disclosing to your Excellency the concern it gives us, that this his Majesty's loyal colony, which, though small in numbers, has cheerfully bore very heavy expenses, and particularly supported its Governors, and other officers of government, in a more liberal manner than most others on the Continent, should be required to pursue measures hitherto unknown to it, whilst the rest, almost without exception, are left to practice the very measures denied to us." (See note 1.)

The Governor in the course of his reply to this address said, referring to the Crown Point expedition:

"The advantages gained by the Provincial forces, under the command of Major General Johnson, have certainly conduced to the safety of the colonies in general, and the

forts constructed by them, if properly garrisoned, will protect the people from the attempts of the enemy."

Discussing the revenue question the Governor said:

"His Majesty having constituted this his Province into a Government justly expects a support of that government, by a permanent revenue, settled by a law that shall be indefinite; and as to the funds or means of raising that support, it lies with you the Representatives of the People." (See note 1.)

December 12. Transmitting papers from the commissioners for paying the forces at Albany.

December 17. The Governor sent the following message to both Houses:

"I send you a letter with several affidavits and other papers, which I received yesterday from Col. Dekey, by express, from whence it appears that the Indians, infesting the Northern parts of Pennsylvania, near the River Delaware, have lately murdered several persons, and burnt the houses within a few miles of the settlements in this Province, and New Jersey. Upon advice some days since, that they had appeared in Minisink, I ordered a detachment of thirty men, from each of the regiments in Orange county, and sixty from Ulster, to march to the frontiers in order to protect the settlers, and prevent them from deserting their habitations. The detachment of Col. Dekey's regiment is already marched, and I expect the others will soon follow, which I hope (in conjunction with those of New Jersey) will prove a sufficient force to repel the enemy; if not, the detachments are to be augmented as shall be found necessary.

This duty will fall very unequally on the people, by being confined to the militia of those two counties, who besides their own personal service, must furnish themselves with provisions and ammunition, an expense which some of them are unable to bear. I therefore recommend it to you,

to make a suitable allowance to all such as shall be ordered upon this service, that the militia may not be backward for want of proper encouragement, and also to enable me to take the necessary measures for the defence of the frontiers, according to the intelligence I may receive from time to time.[4]

You will perceive by several other papers I now send you, relative to the garrisoning Fort Edward and Fort William Henry, that the quota to be furnished by this Province is not yet complete. These forts are of such importance, that I must recommend the preparing a bill for drafting men out of the militia of the neighboring counties, if a sufficient number of volunteers do not offer for this service.[5]

CHARLES HARDY."

December 19. Transmitting accounts relative to the Crown Point expedition.[7]

1756. January 8. Transmitting an "additional instruction" from the Lord Justices of England, requiring the Governor to recommend a law providing for the payment of one half of the expense of settling the boundary line between New York and New Jersey, the latter colony having agreed to pay the other moiety. The Governor also recommended that measures be immediately adopted for

[4] Chap. 1008 also made provision for paying sixty rangers.

[5] By chap. 993, passed December 23, 1755, the Governor was authorized to detach militia from Albany and Dutchess counties for the garrisons at Fort Edward and Fort William Henry.

[7] This recommendation was answered by an act passed April 1, chap. 1009, which provided for raising seventeen hundred and fifteen men for the Crown Point expedition and for service on the frontiers. An additional number had been recommended by the Governor in a message of March 4th. By this act one thousand three hundred fifteen men were to be employed in the Crown Point expedition. Another act passed May 4, 1756, chap, 1013, authorized the Governor to detach militia for this expedition if a sufficient number of men had not already volunteered, and the act prescribed the number of militia which might be detached in each county for this service.

settling the controversy relative to the boundary line between this colony and Massachusetts. The Governor recommended that the Legislature make provision for quartering soldiers, with proper allowances therefor.[6]

January 10. Transmitting a letter from General Shirley relative to a proposed expedition against Ticonderoga. Continuing the Governor said:

"An express which arrived here at noon this day, brought me a letter from Col. Dekey, with several affidavits, which I now send you, as also some other papers, by which you will find that the enemy Indians have lately murdered several persons of this Province, and that a number of the settlement Indians are come in with their families, to reside among the inhabitants, according to the invitation I sent them lately. Although the accounts of the enemy are very uncertain, it is most probable they are numerous, by their continuing so long on the frontiers. The number of rangers in the pay of this Province, appears to me insufficient for the protection of the people. I have ordered the rangers to be supported by detachments of the militia, but as neither pay or provisions is allowed them, they will be backward in going upon this service. You will therefore take this matter into consideration, and by a timely and more ample provision, avert those evils from the people of this Province, which some of our neighbors have already felt the severe effects of.[a] At the same time, I doubt not, you will provide for the maintenance of those Indians, who by coming into the towns, may be rendered unable to subsist themselves and their families."

January 13. The Governor sent the following message to both Houses:

"Since my message to you on Saturday last, I have received a petition from the inhabitants of Goshen, in

[6] An act which provided for quartering soldiers was passed at the next session, December 31, 1756, chap. 1031.

[a] See Note 4.

Orange County, setting forth the open and defenceless condition of that part of the Province, and the necessity of a greater force to protect them from the ravages of the enemy, now very near them; for want of which, numbers are daily moving off, and the rest, is to be feared, may soon follow.

From the situation of the country, and the form of the settlements, I think the best, if not the only practicable method to secure the people from these incursions, and prevent them from deserting their habitations, is to build a line of block houses at some distance from the settlements, from a place called Machackamack, to the town of Rochester in Ulster county. The length of this line is between thirty and forty miles, and five or six block houses will answer the purpose, to be defended by a garrison in each, of twenty men, besides the sixty rangers already in the pay of this Province. The neighboring Province of New Jersey have fallen upon the like method for their defence; and as it appears to me the most eligible of any other, I earnestly recommend to you, to make immediate provision for the expense of carrying the same into execution, that I may issue the proper orders for doing it without delay. I send you the petition, with a sketch of the country and settlements, in Orange and Ulster.

CHARLES HARDY."

January 15. General Shirley's suggestion relative to Ticonderoga was considered by the Assembly, and a report was agreed to on the 13th, expressing the opinion "that the number of regular troops proposed to be employed in the said service, being only two hundred, is too few," that inexperienced troops would be unfit for such service, and that unless at least four hundred men could be engaged in the enterprise it could not be undertaken with any hope of success. The Assembly resolution was transmitted to

General Shirley who sent a reply to Governor Hardy, which was transmitted to the Assembly, and in which General Shirley said that the only regular troops out of which he could draw any picked men for the proposed service, in time for the execution of it, were the British troops belonging to the regiments under the command of Col. Dunbar and Lieutenant-Colonel Gage now at Albany and Schenectady, which did not exceed six hundred in the whole, and that he was advised by a Council of War that four hundred of those troops could not then be spared.

Following this communication, the Assembly adopted another resolution reiterating the opinion that the proposed movement against Ticonderoga could not be safely undertaken with less than four hundred regular troops.

January 19. Transmitting various papers relating to the Crown Point expedition. (See note 7.)

January 27. The Governor transmitted the following message to both Houses:

"At a Council of War held by his Excellency General Shirley, with the Governors and field officers then in this city, to concert the necessary operations for this year, to remove the French from their encroachments, it was judged necessary that a body of forces should be raised by these colonies, by quotas from the several governments, agreeable to the plan settled by the Commissioners at Albany in 1754. The proportions of men to be raised in each colony, I send you herewith.

The succours arrived in Canada from France, last year, and the probability of their being augmented, not only to secure their present encroachments, but to effect their further designs on these Provinces, are considerations highly deserving our serious attention, and ought to excite the colonies to exert themselves in a vigorous prosecution of the measures agreed upon; which if carried into execution in due season, may, by the divine blessing on his

Majesty's arms, lay a solid foundation for the security of his Majesty's colonies on this Continent, against any future attempts from the French; and be the most effectual means to gain the interest of the far Nations of Indians, reclaim such as are gone over to the French, and fix the Six Nations more firmly in the British interest.

This Province, from its situation with respect to Canada, is more immediately interested in the success of this undertaking against the common enemy. It behoves us then to set an example worthy of the other governments, whose eyes will be turned on our conduct, upon this important occasion.

I do therefore most earnestly recommend that you will without delay, grant the necessary supplies for raising and subsisting, one thousand men, the quota to be furnished by this Province, that I may without loss of time, take the proper measures for this service, and acquaint the other governments with your resolutions, as soon as possible. (See note 7.)

CHARLES HARDY."

February 3. Transmitting a claim against the colony presented on behalf of the estate of the late Governor Burnet for supplies furnished by him to the garrison at Oswego in 1728.

February 13. Recommending the erection of a pest house to be used in preventing the introduction of infectious diseases into the colony.[8]

February 16. Urging immediate consummation of plans for raising troops for the intended expedition against Crown Point. (See note 7.)

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8 A law passed April 1, 1756, chap. 1010, revived and continued statutes intended to prevent the spread of infectious diseases, but the new law made no provision for a pest house.

March 2. The Governor sent the following message to both Houses:

"On Tuesday last, about noon, a party consisting of thirty or forty Indians, attacked and burnt the House of Philip Swartwout, in Ulster County, murdered five of the people, took a woman prisoner, and destroyed the cattle, and lately a man was killed by the Indians near Goshen. For your further information, I send you the papers containing this intelligence. No time should be lost in pursuing proper measures for putting a stop to these incursions, lest they become general; and the inhabitants, for want of a speedy and effectual assistance, be forced to abandon their settlements. The hopes of plunder may induce other Indians not yet in hostility against us, to join the enemy; and it would be increasing the misfortune of the people exposed by their situation to such barbarities, to throw upon them the chief burthen of an expense which ought to be borne by the whole Province.

I therefore earnestly recommend to you to make provision for supporting a sufficient force to drive off the enemy, and pursue them even to the places of their residence or retreat, and thus reduce them to the necessity of desiring peace. In this measure there is no room to doubt New Jersey will readily join us, and as soon as I know your resolutions to subsist a body of men for this service I will transmit them to that government.

CHARLES HARDY."

The next day the Assembly adopted a resolution recommending that one thousand men be raised in New York, New Jersey and Pennsylvania to be employed "in an expedition against the castles and settlements of the Indians, enemies to his Majesty's subjects of these colonies," and agreeing to provide for New York's proper proportion

thereof. Governor Hardy said he would transmit the resolution to the governments of New Jersey and Pennsylvania.[9]

March 4. Transmitting letters from General Shirley, and resolutions of the Province of Massachusetts Bay relative to raising a body of men "for an attempt this year upon the French works at or near Crown Point," and also a letter from Governor Fitch stating the number of men to be raised by Connecticut. Continuing the Governor said:

"Those two governments have far exceeded the proportions allotted them, in expectation that the other Provinces concerned in the same expedition last year would again unite and raise a sufficient force without relying upon the southern governments; it being altogether uncertain whether they will contribute their proportions, and of the utmost consequence that this service should be effected this year.

If we neglect improving the present juncture to recover his Majesty's just rights, by rendering ourselves masters of that important post, there is little probability that another so favorable will offer, as the French will use every means to secure encroachments, which they had not been tempted to make, but from the advantages they foresaw must arise to the possessor of them. I therefore hope you will cheerfully determine to augment the quota of men to be raised by this Province, in proportion to that of the eastern governments, lest the service may be disappointed for the want of it." (See note 7.)

March 5. Transmitting a letter from Colonels Dekey, Ellison and Clinton of Ulster and Orange counties, re-

[9] The expedition against the hostile Indians was provided for in the foregoing act, chap 1009, by which New York was to contribute four hundred towards the one thousand men recommended by the Assembly in its resolution of the 3d of March.

specting the incursions made by the Indians in those counties. (See note 9.)

March 9. Transmitting a letter from Governor Belcher, enclosing a copy of a vote of the General Assembly of the Massachusetts Bay, respecting a bounty to be allowed for scalps of Indians.

March 15. Transmitting papers relating to the Crown Point expedition. (See note 7.)

March 17. Transmitting sundry papers relating to the Crown Point and western expeditions. (See notes 7 and 9.)

March 31. Recommending that provision be made for rangers to be employed on the frontiers of Ulster and Orange counties. (See note 4.)

April 29. The Assembly resumed business after an adjournment which had been taken on the 1st of April. The Governor sent the following message to both Houses:

"Immediately after your adjournment, I issued warrants for enlisting the number of men to be employed by this government, in conjunction with the forces of the other colonies, in removing the French from their encroachments at and near Crown Point. By the returns yet made me, a considerable number are wanting to complete the levies. The time for the Provincial Armies assembling at Albany draws near, and as there is little prospect of raising the quota of this Province, by voluntary enlistment in due time for joining the forces of the other governments, without a law is passed to detach or impress the number wanting from the militia, I recommend it to you to take this matter into your serious consideration, and frame a bill for this purpose, that no time may be lost in the prosecution of this service. The moneys granted for maintaining the troops, and not yet appropriated, should be applied, in order to be lodged in the hands of the commissaries and paymasters, as the service shall require. (See note 7.)

I have deferred raising the forces to be employed in conjunction with the governments of New Jersey and Pennsylvania, until I received a determinate answer from Governor Morris. Extracts of his letters to me on this subject, I now send you, for your information, and must recommend it to you to make provision for the pay and subsistence of the 400 men intended for that service, that I may give the necessary orders for their being raised to join the other forces destined for the service against Crown Point, or, if necessary, to be employed in the defence of the Western frontier. (See note 9.)

The number of forces to be employed this campaign, the reasons I have to hope his Majesty will be graciously pleased to assist his colonies with an additional reinforcement of troops from Great Britain, and the fleet to be employed in North America, will necessarily call for large demands of provisions; the absolute necessity of preventing the enemies drawing supplies from the provision colonies, and the ordinary consumption of the Province, are considerations highly worthy your attention. I cannot therefore, but earnestly recommend to you to prepare a bill, to prohibit the further exportation of provisions.[10]

The great demand of carriages, horses, &c. for the transportation of provisions and stores from Albany, both northward and westward, makes it necessary to ascertain the rates to be taken for such services, and the prices of materials, that private persons may not take advantage of the public exigencies.[11]

The militia of the upper parts of the Province, particularly the counties of Albany and Dutchess, have of late been frequently employed in long marches, and from their

[10] The prohibition against the exportation of provisions and naval and warlike stores was included in acts passed May 4th, chap. 1014, and July 9th, chap. 1022, which revived and continued former acts on the same subject.

[11] The rates for impressed carriages were fixed by an act passed May 5, 1756, chap. 1016.

situation are more liable to be called upon than the lower counties. The militia of Orange and Ulster, have also been much harrassed this winter, in keeping constantly parties on their frontiers for their defence. You must be sensible that this duty falls very unequally on individuals, and often on those whose families' support depends on their labor. The readiness they have shown to attend the several services, when called upon by their officers, encourages me to hope you will take this matter into your consideration, and make them an allowance for their past services, and a suitable provision to enable them to bear the losses that must attend their future marching to any parts of the frontier that may require their assistance.

I have ordered several other papers to be laid before you, which you will take into your consideration.

CHARLES HARDY."

May 4. Transmitting papers relating to the distressed condition of the garrison at Fort William Henry at Lake George.[12]

June 29. The Governor sent the following message to both Houses:

"Having received a letter bearing date the 13th of March last, from the Right Honorable Henry Fox, one of his Majesty's principal Secretaries of State, I have an opportunity to acquaint you, that his Majesty has been pleased to appoint the Right Honorable the Earl of Loudoun, Commander-in-Chief of all his Forces in North

12 The next day, May 5th, the Assembly adopted resolutions which recited that the garrison at Fort William Henry "consisting of Connecticut and Massachusetts forces was in the most distressed circumstances, and that important fortress in the utmost danger of being deserted and falling into the hands of the enemy, with all the artillery and warlike stores deposited there for the reduction of the French fort at Crown Point." Urgent measures were recommended for the relief of the fort, and the Assembly pledged itself to provide funds for this purpose.

America; and to order two regiments, (which are already here) also a train of artillery, and a sufficient quantity of warlike stores, for the public service in these parts.

I am commanded by his Majesty to signify to you that as it is of the greatest importance that the King's regiments in North America, as well the three stationed in Nova Scotia, as those in this Province, should be recruited as soon as possible to their full complement of one thousand men each, it is his Majesty's pleasure, that I should call you together and press you; and I do accordingly recommend to you in the strongest manner, to make the most early and effectual provision for raising, and assisting his Majesty's officers to raise, such a number of men as shall be sufficient to recruit the King's regiments now stationed or to be stationed in North America, up to their establishments. And his Majesty, in order to encourage his faithful subjects to engage in a service so essential for their own defence and preservation, does consent that such recruits shall not be obliged to serve anywhere but in North America; that they shall be discharged when hostilities shall cease; and that each of them shall have a grant of two hundred acres of land, free from the payment of quit rents, for ten years, either in the Province of New York, New Hampshire, or Nova Scotia, at their own choice; the lands to be granted them on producing their discharge from the Commander-in-Chief, to the Governor of either of the said Provinces respectively; and in case they should be killed in the said service, their widows and children to be entitled to the said lands, in such proportion as the Governor and Council of the Province wherein such lands lie, shall direct.

His Majesty from his tender concern so frequently shown to these colonies, having in his great goodness, recommended their case to the consideration of his Parliament, the Parliament have granted the sum of £115,000, to be

distributed in such proportions as the King shall think proper, to the four Provinces of New England, this Province, and New Jersey, and thereby enabled his Majesty not only to manifest his sense of their past services, but also to encourage them for the future to exert themselves in the service with spirit and vigor. His Majesty therefore expects that his colonies will heartily and zealously concur in every measure which shall be thought advisable for carrying on the war in North America; and that they will raise the same number of men in each colony as were raised last year, (whereof as great a proportion as may be, to consist of rangers) to act in conjunction with the King's troops, in such operations as shall be undertaken for annoying the enemy, and recovering his Majesty's just rights; and to be ready to march to such place as the Commander-in-Chief shall direct. This service will be the less burthensome to the colonies, as the raising of the men, their pay, arms and clothing, will be all that will be required of them, measures having been already taken for laying up magazines of stores, and provisions of all kinds, at the sole expense of the Crown.[13]

It is also his Majesty's pleasure that I should particularly recommend it to you, to make provision out of such funds as already exist, or may hereafter be raised for the King's service, for repaying the masters of such indented servants as shall engage in his Majesty's service, the

[13] On the 2d of July, the Assembly adopted a long report presented by a committee of the whole, including military operations and other subjects, and in which, after referring to the heavy expense already paid or incurred in carrying on the war, the opinion was expressed that the colony had "stretched its strength and substance to the greatest pitch," and that additional burdens ought not then to be assumed. Referring to a resolution of the Assembly adopted March 28, 1755, the report says that "when a common fund shall be established for the general uses of American affairs, by his Majesty's other colonies on the Continent, this colony ought then to continue to contribute its just share towards such fund." Contributions had already been made by New York in aid of other colonies.

money paid by the said masters upon the original contract, in proportion to the time such indented servants have to serve.[14]

His Majesty also expects that the funds now raised and appropriated, or which shall be raised for the public service, be issued and applied to the general service, in such manner as the Commander-in-Chief shall direct.

I have likewise his Majesty's commands to recommend to you to pass effectual laws for prohibiting all trade and commerce with the French, and for preventing the exportation of provisions of all kinds, to any of their islands or colonies. (See note 10.)

The provision you have already made for the raising and subsisting a larger body of forces than were raised by this colony for the service last year, is a proof of your attention to the welfare of these colonies, and the danger they lie exposed to from an active, vigilant, and enterprising enemy, which cannot fail of meeting with his Majesty's favorable acceptance. And from these fresh and repeated instances of his Majesty's affectionate regard for the safety of his American subjects, I make no doubt the other matters, which, in obedience to his commands, I now earnestly recommend to you to provide for, will have their due weight in the course of your deliberations, and that you will do everything therein which may be expected from a dutiful, loyal and grateful people.

CHARLES HARDY."

July 6. The Governor sent the following message to both Houses:

"The Right Honorable the Lords Commissioners for Trade and Plantations, by their letter of the 20th of March

[14] By a resolution adopted on the 2d of July, the Assembly agreed to provide for the reimbursement of masters whose contracts of apprenticeship might be affected by the enlistment of resident servants in the King's troops, according to the time they might have to serve.

last, having signified to me, that it appearing to them upon consideration of the present state of Indian affairs, that the extravagant tracts of land which have at different times been granted to particular persons, upon pretence of purchases made of the Six Nations, (which they allege to have been fraudulently obtained from them) has been one of the principal causes of the decline of our interest with the said nations; and that they cannot be induced to engage heartily and sincerely in the just and necessary measures which his Majesty is compelled to take for the recovery of his undoubted rights in America, until they have received full satisfaction, with respect to this real grievance, which they have so often and so strongly complained of. I am directed by their Lordships, to lay this matter before you for your consideration.

The patents or grants which the Indians principally complain of, and which they consider as most injurious to their rights, are those commonly called Kayoderosseras, Connojohary, and that at the Oneida Carrying Place, commonly called Oriskene; and if proper measures are taken to vacate and annul them, there will be little reason to doubt but that the Six Nations will act in conjunction with us against the French, with their whole united strength.

As the most effectual remedy for this great evil must be the interposition of the Legislature, in passing a law for vacating and annulling these exorbitant and fraudulent patents; a measure in which I cannot doubt of your concurrence, as it will be so much for his Majesty's service, for the honor and interest of the Province, and for the advantage, welfare and security of your constituents; I therefore earnestly recommend it to your serious consideration.

I send you for your information copies of several conferences with the Indians, on this subject.

CHARLES HARDY."

July 6. Recommending that more funds be appropriated for the use of the commissaries; and also recommending the erection of additional barracks at Albany and Schenectady and at other places as might be needed for the accommodation of the troops.

July 9. The Assembly was prorogued to the 17th of August.

1756. SEPTEMBER. TWENTY-SEVENTH ASSEMBLY, EIGHTH SESSION.

Sir CHARLES HARDY, Governor.

A quorum appeared September 23, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Having during your recess received information that the enemy had made themselves masters of Oswego, a post of the highest consequence to all these colonies, as it not only covered the Six Nations of Indians from the attempts of the French on that side, but by opening and keeping up an intercourse between the English and those nations and their allies, may be said to have been the source of the British influence among them, I thought it proper to call you together at this time that you might be ready to provide for any emergency that should arise upon this event.

His Majesty, called upon by the repeated unwarrantable encroachments of the French on his territories, particularly in America, and the hostile invasion of the island of Minorca, hath at length been compelled to declare war against the French King, relying on the help of Almighty God in so just an undertaking, and the hearty concurrence of his subjects in so good a cause. At this important juncture, I

cannot but congratulate you on the arrival of the Right Honorable the Earl of Loudoun, whom his Majesty hath been pleased to appoint to the chief command of all his forces in North America; from whose experience and abilities in military affairs we may expect the most effectual and vigorous measures will be taken for the defence of these colonies and distressing the enemy. And I shall rely on you to enable me from time to time to give him that assistance which the exigency of affairs may require.

Upon any sudden emergency, the earliest and speediest assistance that can be given is by the militia of Albany, and the counties adjacent, and it being uncertain upon the first intelligence of the loss of Oswego how far the enemy might endeavor to penetrate into this Province, his Lordship called upon Sir William Johnson, who commands the militia at Albany, for his aid, who agreeable to the standing orders he has from me, directed 500 out of each of the battalions to march and join him at the German Flatts to cooperate with his Majesty's forces in the defence of that part of the country, the greater number whereof did accordingly march, but were very unwilling to stay, complaining of the hardship of their being kept on service without any allowance. I must therefore recommend to you to make immediate provision for a reasonable compensation to them when thus employed, that they may be ready to march on all occasions with alacrity.[1]

I have his Majesty's commands by letter from one of his principal Secretaries of State of the 18th of June last, to receive such French prisoners as the commanders of any of his Majesty's ships shall apply to me to set on shore in this government, and I recommend to you to make pro-

[1] September 25th the Assembly passed a resolution recommending an extra allowance for militia employed in the service on the northern frontiers. An appropriation act passed December 1st, chap. 1033, contained allowances for this service.

vision for such prisoners, as also for those that are or may be brought in by private ships of war.[2]

As the troops which his Majesty hath been pleased to order for the defence of his colonies may occasionally pass through this Province, an early provision should be made for quartering them conveniently until they take the field.[3]

I have received and paid over to the Treasurer the sum of £14,323.15.3 sterling, the balance of the £15,000 allotted by his Majesty to this Province out of the grant of £115,000 made by Parliament to be distributed to the colonies of New England, New York and New Jersey as a free gift and reward for their past services, and an encouragement to them to continue to exert themselves with vigor in the defence of his Majesty's just rights and possessions; and

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2 The Assembly in its address of September 30th protested against the policy of colonial maintenance of French prisoners, and hoped the Governor would disperse or send them away, not only to relieve the colony from the burden of their subsistence, but also because such prisoners might become too well acquainted with the state of the colony. The Governor in his reply to this address assured the Assembly that he would take such measures as would be practicable for the relief of the colony, but that in the meantime it would be necessary to provide for the maintenance of such prisoners. The Assembly assented to this suggestion, and adopted a resolution on the 30th of September to provide for the transportation and subsistence of the prisoners.

3 An act for quartering soldiers was passed December 1st, chap. 1031, which provided that when any of the King's troops should march into or through the Province, certain designated local officers should have authority to quarter or billet them in the "inns, livery stables, ale houses, victualling houses, and all houses selling rum, brandy, cider, or any other spirituous liquors by retail to be drank in said houses," and if these places were not sufficient, then the troops might be billeted in private houses, but not more than four men could be billeted in any one house, without the consent of its master. The magistrates were to fix the rates to be allowed for the subsistence of the troops while so billeted, and the officers in command were to be responsible for the payment of these rates. Masters of houses were subject to penalties for refusing to accept soldiers so billeted. Troops could not be billeted in New York, Albany, or Schenectady unless the barracks therein were insufficient. The wife, child, or maid servant of an officer or soldier could not be billeted without the consent of the master of the house.

agreeable to the King's warrant now laid before you (with the other papers sent therewith) the Treasurer hath given sufficient security for the safe custody of the money until it shall be disposed of for the public service by an act of the legislature. You will therefore consider in what manner this his Majesty's bounty may be best applied to answer the intention of the gift.

Gentlemen of the General Assembly.—In my speech of the 3d of December last, I did, in obedience to his Majesty's commands, recommend the passing of a proper law for settling a permanent revenue upon a solid foundation for defraying the necessary and established charges of government; that such law should be indefinite, and that provision should be made therein for competent salaries to the Captains General, and likewise the judges, justices and other necessary and usual officers of government; which, with your address to me in answer thereto, I transmitted to the Right Honorable the Lords Commissioners for Trade and Plantations, and which their Lordships in their letter to me of the 4th of March last, inform me they had laid before his Majesty, and that they had received his Majesty's commands to signify to me that as the present Assembly does not appear to be desirous of reviving the claims and pretensions of former Assemblies, and have declared that they do not mean to take upon them the executive power of government, belonging of right to his Majesty's governor, and that as I had represented that they were well inclined to concur in every other measure which might be proposed for his Majesty's service, his Majesty is pleased, in consideration thereof, to allow and permit me to assent to such temporary bills as the Assembly shall from time to time frame and pass for the support of government, provided they are in all other respects conformable to his Majesty's instructions to me with regard to the granting and disposing of public money. You will there-

fore proceed to the framing and passing a bill for this purpose, previous to any other, conformable to his Majesty's pleasure.[4] And here I cannot avoid observing to you how inadequate the salaries of his Majesty's Governor and the other officers of government are to their services arising from the difference in the present value of the currency, compared to what it was formerly.

I must desire you, Gentlemen, to provide for the other services recommended. And as in time of war the exigencies of government greatly increase the public charge, it may be difficult to support the credit of our paper currency, unless new funds are established, and the growing income thereof applied to the canceling the bills already made current, and what may be necessary to be struck on any future emergency. I therefore earnestly recommend it to you to fall upon such as will be least burthensome to the people: a stamp duty, an excise upon tea, a poll tax on negroes, and such others as the inhabitants can bear with least inconvenience.[5]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The passing a law for vacating and annulling those grants of land which I recommended to you in your last session is become more necessary now than ever, as your attention to that matter will be a convincing proof to the Indians of your readiness to listen to their complaints, and give them redress, and cannot fail of having this good effect of holding and attaching them more firmly to the

[4] The home government here yields to the Assembly's peristent assertion of the policy of annual appropriations, which had been a subject of controversy through several administrations. The general act for the support of government was passed December 1st, chap. 1037, which was to continue in force through the calendar year 1757.

[5] An act continuing in currency the bills of credit was passed December 1st, chap. 1036. By an act passed December 1st, chap. 1029, certain public documents, papers, and legal proceedings, and various commercial and private transactions were required to be stamped. An excise or tariff on imported tea was imposed by an act passed December 1st, chap. 1028.

British interest at this critical juncture when their service may be of great use.

Unanimity and dispatch in all our public measures are never more desirable than while we are contending with an active and powerful enemy. The present posture of affairs requires the most animated resolutions, and I trust I shall find in you such as will place you in the most deserving light to your King and country.

CHAS. HARDY.

Fort George, New York,
24th September, 1756.

SPECIAL MESSAGES.

September 27. Thanking the Council for its address.

September 30. Thanking the Assembly for its address, the Governor said it had the satisfaction of seeing its conduct approved by the King and Parliament, and "with it a generous donation."

October 28. Presenting and recommending the payment of accounts for the maintenance of the French neutrals brought from Nova Scotia in May last, and settled in this Province; of provisions for several detachments made from the militia of Ulster, for the defence of the Western frontier; of provisions and necessaries furnished to the river Indians, who came into the settlements upon the Governor's proclamation of the 27th of December, 1755, and have since been removed to the Mohawk castles; and of the charge of erecting places of shelter at the beacons. The Governor also recommended an allowance for the compensation of watchmen at the beacons.[6]

November 4. Recommending that provision be made for

[6] An act, chap. 1033, passed December 1st, included appropriations for the subsistence of French neutrals, for detachments of militia for the defence of the western frontier, for the subsistence of friendly Indians, and for watch houses at the beacons at Rockaway and the Narrows.

the pay and subsistence of the troops while in quarters during the coming winter.[7]

November 12. Transmitting the accounts of the commissaries on the last expedition against Crown Point.[8]

November 15. The Governor sent the following message to both Houses:

"His Excellency the Earl of Loudoun having demanded quarters in this city for a battalion of the royal American regiment, and his Lordship having informed me they were soon to embark from Albany, and part of them are already arrived, and are now encamped, I have ordered the barracks to be prepared, and the Blockhouses to be fitted up, for the reception of as many men as can be quartered therein; but as the whole number cannot be thus disposed of, it is necessary that provision be made for the remainder. (See note 3.)

The troops in the barracks and blockhouses must be provided with fire, candle lights, and beds; articles of expense included in that of quarters.[9]

I do therefore recommend to you to make immediate provision for these necessary services, that his Majesty's troops may suffer no inconvenience for want of quarters.

CHARLES HARDY."

November 16. Transmitting an account presented by Dr. Peter Gansevoort for the care of two French prisoners.[10]

December 1. The Assembly was prorogued until the 11th day of January.

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7 The act making appropriations for military services, passed December 1st, chap. 1033, made provision for army expenses during the coming winter.

8 See the army act, chap. 1033, for various items.

9 Provision for fire wood and candles for the garrison at New York was made by an act passed December 1st, chap. 1035.

10 The army act, chap. 1033, contained an appropriation to pay the claim of Dr. Peter Gansevoort for subsistence of French prisoners.

Sir CHARLES HARDY, Governor; JAMES DE LANCEY, Lieutenant-Governor, and Acting Governor from June 3, 1757.

The Assembly met again on the 16th of February, and the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I cannot open this session without acquainting you that his Majesty has ordered a reinforcement of his troops to North America, many of whom are landed in this Province and some in the neighboring colonies. This fresh instance of his Majesty's concern for these colonies will, I doubt not, excite suitable dispositions in all his American subjects, and lead them cheerfully to grant that aid which it is so apparently their own interest to contribute towards distressing the common enemy.

The Right Honorable the Earl of Loudoun, hath informed me by letter of the 31st ultimo, from Boston, that he demanded a number of men of the four New England governments to act in conjunction with his Majesty's regular forces, and that he has no reason to doubt their agreeing to it. The ineffectualness of our measures the last year, and the advances the enemy have made upon us, evince the necessity of a vigorous assistance on our part, and from the proofs I have had of your affection to his Majesty, and of your zeal for the support of the common cause, I persuade myself you will not fail to furnish the quota of men demanded of you, and thus strengthen the hopes of success we may reasonably conceive from an able and experienced direction of his Majesty's forces, attended with the divine blessing on his arms. The season requires that no time be

lost, and I must press you to be early in your resolutions that I may give the necessary orders as soon as possible.[1]

Soon after my coming to the government, I recommended a provision to be made for defraying the expense of his Majesty's commissions for determining the controversies with New Jersey and Massachusetts Bay concerning their boundaries, the unsettled state of which hath already been productive of much mischief, and is an evil daily increasing, a recent instance of which I am informed happened in the Manor of Livingston, where a number of riotous persons were assembled together, and in opposing the sheriff in the execution of his office, killed a poor man whom the sheriff had called to his assistance. As no such provision has yet been made, and the Right Honorable the Lords Commissioners for Trade and Plantations are of opinion that the only proper and effectual method of determining these disputes will be by a commission in the nature of that upon which the limits between the Massachusetts Bay and New Hampshire were settled, and I have their Lordships repeated directions to recommend it again to your consideration, and to acquaint you that as this is a matter of high concernment to the peace and quiet of government, and the lives and properties of his Majesty's subjects, his Majesty does expect that you will forthwith make a provision for the expense of such commissions, that there may be no further delay in a matter of so great importance.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I earnestly recommend to you to consider of the most effectual and speedy methods for raising the supplies for these necessary services. I have ordered estimates to be laid before you of the expense of supporting the quota of men for this Pro-

[1] An act passed February 26, 1757, chap. 1040, authorized the enlistment of two hundred men, and of additional men to fill up eight existing companies. The Lieutenant-Governor was authorized to detach militia for this purpose if there should not be a sufficient number of volunteers.

vince and the necessaries wanting to equip them for taking the field.[2]

Gentlemen of the Council and General Assembly.— In my speech to you of the 24th of September last, I repeated the necessity of the legislature's interposing in the case of those exorbitant grants of lands complained of by the Indians as fraudulent. I cannot avoid mentioning this again to you, and recommending it to your consideration, the passing a law for vacating and annulling such grants appearing to me not only a just and necessary measure, as by redressing this real grievance of those people, we may give a happy turn to our negotiations with them, and induce them to throw in their whole weight to our assistance.

These are the principal matters I have to lay before you for your present consideration, and I hope you will proceed on them with unanimity and dispatch.

CHAS. HARDY.

Flatbush, Kings County
16th February, 1757.

SPECIAL MESSAGES.

February 17. The Council presented an address to the Governor which contained the following observations concerning the disputed boundary line between New York, New Jersey and Massachusetts:

"The evils daily felt by the borderers of this Province towards New Jersey, and the Massachusetts Bay, amidst such various claims of limits, show the expediency and utility of an application to his Majesty to have these disputes finally adjusted. But as new disorders may arise before such settlement can be effected, even in the regular and legal course pointed out in your Excellency's speech, we humbly hope your Excellency will present to the Right

[2] Provision for the maintenance of the military establishment was made by an act passed February 26, 1757, chap. 1039.

Honorable the Lords Commissioners for Trade and Plantations, the necessity of his Majesty's immediate interposition, by fixing temporary lines until a final settlement, to prevent those mischiefs which we fear will otherwise befall many of his Majesty's good subjects. Such a line, very advantageous to the Province of the Massachusetts Bay, was offered to their Commissioners at Albany in 1754, by which this Province, merely for the sake of present peace, yielded two thirds of a tract of land granted now about fifty years ago. As to the late instance of a person killed in assisting the sheriff executing a legal process, we cannot avoid observing to your Excellency that the Manor of Livingston, where it happened, is held by a grant more ancient than the charter to the Massachusetts Bay now in force. And we apprehend that all the late disorders on that side have arisen from the unwarrantable and unreasonable claim of that Government, in extending their limits or charter through a principal part of this Province to the South Sea."

The Governor, thanking the Council for its address, said he had been so sensible of the evils arising from unsettled disputes that he had presented the matter to the Lords of Trade, and that he would use his best endeavors to "put an end to those mischiefs which so frequently happen on our borders."

February 18. Informing the Assembly that he had received a letter from the Earl of Loudoun, stating that the eastern governments had agreed to furnish the number of men demanded of them, and suggesting that the New York men be organized into companies of one hundred each with one officer to command the whole, and recommending that the officers be allowed increased pay because of increased duties incident to the new organization, which recommendation the Governor submitted to the Assembly for its consideration. (See note 1.)

February 19. Thanking the Assembly for its address,

the Governor expressed his concurrence with the Assembly's opinion in favor of township settlements on the frontiers. He thought the Assembly should make provision for the expense of settling boundary disputes.

February 24. Transmitting a memorial presented by General Winslow praying for the pay of himself and other staff officers on the last expedition against Crown Point; also a like petition from the second regiment of Ulster County for services on the western frontier.

February 26. The Assembly was adjourned to March 29, but did not again meet for the transaction of business until the first day of September.

GOVERNOR HARDY RESIGNS.

On the 2d of August, 1756, Governor Hardy, in a letter to the Lords of Trade (Col. Doc. vol. 7, p. 122), requested permission to resign the office of Governor of New York in order to re-enter the naval service. March 10, 1757, the King's permission was transmitted to Governor Hardy. (Col. Doc., vol. 7, p. 220.) On the 2d of June, he delivered his commission and the seals of office to Lieutenant-Governor De Lancey, and the next day the Lieutenant-Governor took the oath, and again assumed the duties of the executive office.

September 2. Lieutenant-Governor De Lancey sent to both Houses the following

MESSAGE.

"His Majesty having been pleased to prefer his Excellency Sir Charles Hardy, to the rank of Rear Admiral in his fleet, and having permitted and allowed him to resign this government agreeable to his own request, on his departure the administration devolved on me as Lieutenant-Governor of this Province; soon after which apprehending a visit from the enemy on our Northern Frontier, I thought

it necessary to take all the measures in my power to strengthen General Webb; and for this purpose I sent out my orders to the Colonels of the militia of Albany, Dutchess, Ulster, and that part of Orange County above the mountains, to march with their regiments to the assistance of General Webb, upon his requisition, and to obey his orders, of which I gave him notice by letter.

In the night of the 3d of August last, I received a letter from General Webb, of the 30th of July, advising me that the enemy were within twelve miles of Fort William Henry; that he should immediately call in the troops at the different posts on Hudson's River, and give orders for the militia of the counties to march, and desiring my presence at Albany to forward them. I set out for that place on the 5th, which was as soon as I possibly could, and arrived there the 9th; on the 10th I had advice of the surrender of Fort Willliam Henry; and as it was reasonable to think the enemy with so formidable an army, and such a train of artillery, as they were said to have, would endeavor to penetrate farther into this country, I sent orders for a detachment of 500 men from the city of New York, 600 from Queens county, and the whole militia of Westchester, to march up; and I had the satisfaction to hear that those of the city of New York and Westchester showed a very becoming spirit on this occasion. Those above the Highlands had marched in consequence of my former orders, on General Webb's requisition, and many proceeding to Fort Edward, but after a short stay, General Webb informed me that all the militia, except those of the county of Albany, had deserted in a mutinous manner. I did all I could to stop them, but with little success. This step, whether arising from cowardice or disgust, or whatever other motive, deserves a very severe animadversion, more especially as it was taken at a time when the enemy were still at Fort William Henry (only fourteen miles distant

from Fort Edward), the most advanced post we had in that quarter of the country. I shall order a strict inquiry to be made into the behavior of the militia, and cause the law to be put in execution against all delinquents.

I left Albany the 21st, and as soon as I came to New York, I directed circular letters to be sent to call you together as soon as possible; one of the reasons of which was to recommend to you the completing the regiment in the pay of this Province with the utmost speed, General Webb having also wrote to the other governments to complete theirs, as the troops under his command were very much lessened. This was a measure apparently necessary at that time, but as his Excellency the Right Honorable the Earl of Loudoun, Commander-in-Chief of his Majesty's forces in North America, is since arrived here with a body of troops, the necessity of this measure ceases. I have conferred with his Lordship on this subject, and he is of opinion there is no occasion now to put the Province to this expense, as he is not desirous they should be burthened with any charge, but when his Majesty's service and their own safety require it.

The other reason of my calling you, is to recommend to you a further provision for the subsistence of the New York regiment. These were the only matters I had to lay before you for your consideration at this time, leaving the other necessary business of the Province to be done at a more convenient season.

JAMES DELANCEY."

December 7. The Lieutenant-Governor sent the following message to both Houses:

"I have delayed calling you together till this time in expectation of receiving directions from his Majesty to lay before you, as to the part he expected this Province should bear in any future operation; and I was also in

hopes the smallpox would have been so far abated, as to admit of your sitting at the usual place, but as it is still in some parts of the city, I judged the out ward would be the most convenient.

The matters I have now to recommend to you are: The Support of his Majesty's government, for which I doubt not you will make further provision, and frame your bills in such manner, as I may find no difficulty in giving my assent to them.[3]

The enemy Indians having made incursions into the counties of Ulster and Orange, and murdered some of the inhabitants, I ordered detachments from the militia, to be employed on the scout to protect the settlers, promising to recommend their service to you, at your next meeting, which I now do. I also, on repeated applications from them, gave orders to have a line of blockhouses built, more effectually to secure that part of the country, and to encourage the inhabitants to stay, and not abandon their settlements. That frontier is now, and has for some time, been guarded by troops posted there by the Earl of Loudoun's orders; but when his Majesty's service in the next season shall call for those troops thence, it will become necessary to place others there in the pay of the Province, least that part of the country be otherwise destroyed by the French and their savages; for this expense, provision should be made, as also for the payment of other debts accrued for the service of the public, and for the maintenance of French prisoners of war.

I have retained two companies of rangers out of the regiment in the pay of this Province, for whose subsistence you will make provision; the rest were disbanded as soon as his Majesty's service would admit of it.[4]

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[3] The annual act for the support of government was passed December 24, 1757, chap. 1046.

[4] At the next session an act was passed, June 3, 1758, chap. 1063, which included appropriations for the pay of rangers, the erection of blockhouses, subsistence of French prisoners, and for militia detached on special service.

At the request of the corporation of the city of New York, I have, with the advice of his Majesty's Council, drawn for £2000 out of the fortification fund, to be applied to the purpose of building barracks for the use of the King's troops; which sum the corporation have engaged to replace.[5]

The bad consequences arising from the immoderate use of spirituous liquors among the King's troops, is a matter deserving your consideration, and requires some proper law to regulate or restrain the retailer.

The act for inspecting flour is near expiring. The reputation that commodity hath acquired since the passing this law, is a sufficient evidence of its utility, and that it ought to be continued; and if beef, pork and butter, which are also staple commodities of this Province, were put under the like regulations, it would greatly add to their credit abroad.[6]

The militia laws being near expiring, you will find it necessary to continue them, with such alterations and amendments as shall be judged expedient from the inconveniences which have risen.[7] And I think it highly proper to add a clause, subjecting all fire arms to inspection, numbers of foreign arms having of late been imported. The acts laying an excise upon tea, and a stamp duty, which will soon expire, should be also further continued.[8]

The situation this and his Majesty's colonies are in by the distress of war, calls upon you to think of all methods for raising money to defray the public expenses. I shall point out two, which at the same time that they are not burthensome, will be accompanied with great advantages

[5] An act passed December 24, chap. 1057, authorized the city of New York to raise three thousand five hundred pounds for the erection of barracks, and the necessary furniture and supplies therefor.

[6] An act to prevent the exportation of unmerchantable flour was passed December 24, chap. 1051.

[7] Two militia laws, chaps. 1042 and 1048, were passed at this session.

[8] The stamp act and the act imposing a duty on tea were both continued by acts passed December 24th, chaps. 1049 and 1050 respectively.

to the public. The one is a poll tax upon slaves; the other, a duty of tonnage on all vessels not built in this Province, or in Great Britain. The first will naturally tend to introduce white servants, which will augment the strength of the country; besides, the price of labor is now become so high, and hence the owners of slaves reap such advantage, that they cannot reasonably complain of a tax on them. The second will tend to promote ship building, and encourage ship wrights and other artificers to settle among us, to the great emolument of the public.

Whatever other bills you prepare for the advancement of his Majesty's service, and the welfare of the Province, you will find me ready to give my assent to.

JAMES DELANCEY."

December 22 and 24. Presenting various accounts against the Colony.

1758. February 4. Recommending an adjournment to the 28th inst.

February 10. The Lieutenant-Governor by a proclamation adjourned the Assembly to the 7th of March.

1758. MARCH. TWENTY-SEVENTH ASSEMBLY, TENTH SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

The Assembly had been adjourned to the 28th of February, but was again adjourned by executive proclamation to the 7th of March, at which time the session opened with thirteen members present. On the 9th a sufficient number appeared for the transaction of business, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—His Majesty having nothing more at heart than to repair

the losses and disappointments of the last campaign, and by the most vigorous and extensive efforts to avert, by the blessing of God on his arms, the dangers impending on North America; and not doubting that all his faithful and brave subjects there will cheerfully co-operate with and second to the utmost the large expense and extraordinary succours supplied by his Kingdom for their preservation and defence; and his Majesty considering that the several Provinces, in particular from proximity and accessibility of situation, more immediately obnoxious to the main irruptions of the enemy from Canada, are of themselves well able to furnish at least twenty thousand men to join a body of the King's forces for invading Canada, and carrying war into the heart of the enemy's possessions; and his Majesty not judging it expedient to limit the zeal and ardour of any of his Provinces by making a re-partition of the force to be raised by each respectively, for this most important service; his Majesty's pleasure hath been signified to me by letter from the Right Honorable William Pitt, Esquire, one of his principal Secretaries of State, that I should recommend to you in the most earnest manner to enable me to raise, with all possible dispatch, as large a body of men within this government as the number of its inhabitants may allow; to be formed into regiments as far as shall be found convenient, to hold themselves in readiness as early as may be to march to the rendezvous at such place as Major-General Abercrombie (who succeeds the Right Honorable the Earl of Loudoun as Commander-in-Chief of the King's forces in North America), shall appoint in order to proceed from thence in conjunction with a body of the King's British forces, and under the supreme command of his Majesty's Commander-in-Chief in America, so as to be in a situation to begin the operations

of the campaign as soon as may be any way practicable by attempting to make an irruption into Canada.[1]

The King is pleased to furnish all the men so raised with arms, ammunition and tents, as well as to order provisions to be issued for the same by his Majesty's commissaries, in the same proportion and manner as is done to the rest of the King's forces. A sufficient train of artillery will also be provided at his Majesty's expense for the operations of the campaign. The whole therefore that his Majesty expects and requires from the several Provinces, is the levying, clothing and pay of the men. And on these heads also, that no encouragement may be wanting to this great and salutary attempt, the King is further most graciously pleased to permit his Secretary of State to acquaint me that strong recommendations will be made to Parliament in their session next year, to grant a proper compensation for such expenses as above, according as the active vigor and strenuous efforts of the respective Provinces shall justly appear to merit.

Similar orders are sent to the Massachusetts Bay, New Hampshire, Connecticut, Rhode Island and New Jersey; and the southern governments are also directed to raise men in the same manner to be employed in such offensive operations as the circumstances and situation of the enemy's posts in those parts may point out.

GENTLEMEN OF THE GENERAL ASSEMBLY.— When you consider the great expense the Crown is at in supporting and preserving these countries, I persuade myself you cannot hesitate a moment in granting ample and sufficient supplies for levying, clothing and paying as large a body of men as the number of our inhabitants will allow, especially as

[1] An act passed March 24, chap. 1059, provided for raising two thousand six hundred eighty men in New York to become part of an army of twenty thousand men, to be raised in several Provinces, to invade the French possessions in Canada in conjunction with regular troops.

these supplies are so essential to your own immediate safety and future security.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— These Provinces, if they exert themselves with vigor, are able to send into the field such a body of men as by the blessing of God may give us well-grounded expectations of success. I hope a number of brave men who have at heart the honor of a brave and the best of Kings will voluntarily and cheerfully engage in a service on the success of which their properties, their civil and religious liberties depend.

The nature of the service laid before you requires the greatest dispatch. We have no time to lose as the troops ought soon to be in readiness. I therefore expect that in case a sufficient number do not offer voluntarily, you will forthwith enable me by an effectual law to complete the levies in due time. I see no other method of doing this than of draughting men from the militia.[2]

GENTLEMEN.— I can add nothing more to animate your zeal. The dangers impending on North America, the extraordinary succours supplied by the Crown, the losses we have sustained, the proximity and accessibility of this Province, more immediately obnoxious to the main irruptions of the enemy from Canada, are the most powerful and cogent motives that can be suggested to induce you to exert your most vigorous efforts on this truly important and critical occasion.

JAMES DE LANCEY.

City of New York,
March 10, 1758.

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2 The act, March 24th, cited in note 1, made provision for detaching or drafting men from the militia, if a sufficient number of men did not volunteer by the 15th of April, and the act prescribed the number which might be drafted from each county.

SPECIAL MESSAGES.

March 14. Thanking the Assembly for its address the Lieutenant-Governor said:

"The just sense you have of his Majesty's most gracious intentions for the protection and security of his royal subjects, in North America, is very agreeable to me, and leaves me no room to doubt but you will effectually enable me to raise such a body of men as the number of the inhabitants of this Province will allow. For this purpose, I rely on your loyalty and zeal for his Majesty's service, and the regard you owe to the safety of the people of this and the other Provinces." (See note 1.)

Thanking the Council for its address, he said the Province had a "most favorable opportunity of checking effectually the power of an enemy almost incessantly employed in distressing them."

March 15. Transmitting an extract of a letter from General Abercrombie, the Lieutenant-Governor said an embargo had been laid on all vessels exceeding fifty tons burden. Continuing he said:

"I learn, with a sensible mortification, that several able bodied men are leaving their habitations merely to decline a service in which the Honor of their King, the present safety and future security of their country, are so deeply interested. Is this a behavior which his Majesty could expect from his faithful and brave subjects in this part of the world?

We see a powerful alliance formed in Europe, between the Roman Catholic Princes, with a view to overwhelm the liberties of Europe, and possibly to extirpate the Protestant religion. One of these is at open war with our mother country, and carrying on a severe and cruel war against us in these countries; and shall any one here be backward in their purses and persons, to second the great

things his Majesty is doing for us, and suffer perhaps the last opportunity to slip of saving your country?

I need not represent the losses and dangers of last year. I am fully persuaded you will do everything on your parts. Do it speedily, that I may have an early opportunity to acquaint the General with the steps that are taking." (See note 1.)

March 24. The Assembly requested permission to adjourn so that its members might return home to "expedite and forward the levies of men." The Lieutenant-Governor consenting, the Assembly was adjourned to the first Tuesday of May. A quorum did not appear until the 9th of May.

May 10. The Lieutenant-Governor sent the following message to both Houses:

"I desire you will now proceed on the business I have before recommended to you, to wit, paying the public debts,[3] revising the militia laws, making them more effectual for these times, and throwing the whole into one bill, as also that you will take into your consideration, the several other matters recommended to you in my former message, of the 7th of December last.

The act for regulating the pilots, and establishing their pilotage, a very necessary law, is expired; and should be revived.[4]

No provision has been made for a chaplain to the forces in the pay of this Province; when this is done, I shall take care to appoint a well qualified person to this service.[5]

JAMES DELANCEY."

May 19. The Assembly presented to the Lieutenant-Governor an address, protesting against continuing the

[3] Payment of public debts was provided for by an act passed June 3d, chap. 1063.

[4] Chap. 1064, passed June 3d, revived the pilot law of 1757.

[5] May 10th the Assembly passed a resolution recommending that the compensation of the chaplain be fixed at ten shillings per diem, and that he be furnished with a suitable tent.

heavy expenses incident to the subsistence of French prisoners, and requesting that they be sent out of the colony. The Lieutenant-Governor replied on the 23d, saying that as the embargo had been taken off, he would give orders to have the French prisoners sent away as soon as possible.

June 3. The Assembly was adjourned to the 27th instant.

1758. NOVEMBER. TWENTY-SEVENTH ASSEMBLY, ELEVENTH SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

After several adjournments from June 27th, a few members of the Assembly appeared on the 14th of November according to executive proclamation, but there was no quorum until the 21st, when the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I take this first opportunity of our meeting to congratulate you on the success of his Majesty's arms in North America. The reduction of Louisbourg, and, in consequence, of the islands of Cape Breton and St. John's, is an acquisition of the utmost importance to the trade of Great Britain and the safety of the Northern colonies; may they always continue in the British possession. The taking and destroying so many of the enemy's ships on this occasion, whereby the French navy is considerably weakened, is an additional heavy loss to them, and all this has been achieved with so little loss on our part, as is scarcely to be paralleled in any instance.

And though by our repulse and retreat from Ticon-

deroga, the sanguine hopes we had entertained of success in that quarter have been disappointed, yet the enemy have gained no ground there, and things are as they were on Hudson's River the beginning of the campaign.

On the other side, Major-General Abercrombie sent Brigadier Stanwix with a considerable body of provincials up the Mohawk's River, where a fort has been built at the Oneida station, whereby an important pass is secured, through which one of the French generals was to have made an irruption last spring, but was prevented by the diligence of our army, which advanced so fast as to oblige the French general at Ticonderoga to recall him to oppose our troops.

It was from this station that Lieutenant-Colonel Bradstreet, in consequence of orders received from General Abercrombie, proceeded to attack the French Fort Frontenac at Cadaraqui, which he accomplished, taking and destroying the fort. This event was attended with happy circumstances; at this place were taken all the vessels the French had on the lake, which have been burnt; in the fort were found a great number of arms, an immense quantity of provisions and Indian goods of all kinds, being the magazine from whence Niagara and the other French posts westward were to be furnished. These have all been destroyed or brought away, the effects of which will be severely felt by the enemy this winter.

I mention the events in North America as being near to you and more immediately engaging your attention. I have, however, the pleasure to acquaint you that by the latest advices, affairs in Europe take a favorable turn for his Majesty and his allies, and we may hope for a happy issue of the campaign.

GENTLEMEN.— I have now to recommend to you to proceed with dispatch on the usual business of this season, and must acquaint you that the public service has called

me to Albany once last year and twice this, which you will take into your consideration.[1]

On representations from the inhabitants of Ulster and Orange of the incursions of the Indians into their settlements, I ordered an officer and 24 additional men into the blockhouses for their protection, and Col. Hardenbergh having ordered a party of militia out, upon the Indians killing one of the inhabitants within a mile of the church at Rochester, I directed him to keep them on the scout till the danger of any further mischief was over; when the accounts of the expense accruing from this service are brought in, they shall be laid before you. These militia I have ordered to be dismissed as General Abercrombie has ordered the light armed infantry to be posted in those parts. He has also acquainted me that he would order the New York regiment to be disbanded as soon as possible, and I am in daily expectation of hearing it is done.

GENTLEMEN.— If there be any laws to be revived or continued, or new to be made for the benefit of his Majesty's subjects within my government, you will find me ready to give my assent to them.

JAMES DE LANCEY.

City of New York,
21st November, 1758.

SPECIAL MESSAGES.

November 24. Thanking the Assembly for its address, the Lieutenant-Governor said the fort at Oneida station, erected by Brigadier-General Stanwix, was a very respectable one, and he hoped the Assembly would exert themselves on all proper occasions to raise needed men and

[1] The salaries act, passed December 16th, chap. 1066, appropriated three hundred pounds to pay the Lieutenant-Governor's expenses on these three visits to Albany.

money as the necessities of the King's service and the condition of the colony might require.

The same day the Lieutenant-Governor thanked the Council for a similar address.

November 28. Recommending the erection of blockhouses for the protection of Kingston.[2]

December 6. Transmitting accounts presented by the second regiment of Ulster County for service on the western frontier.

December 16. The Assembly and Council presented a joint address to the Lieutenant-Governor relative to expenses incurred by the colony in 1756 and 1758 in furnishing supplies for troops. The address referred to the fact that other colonies had been reimbursed for similar expenses, stated the amount still due New York, and requested the Lieutenant-Governor to present the matter to the home government for adjustment, and if possible procure the reimbursement of the amounts expended by the colony. It appeared from the address that the colony had incurred a debt of one hundred thousand pounds for military purposes during the year 1758. The address declared that the New York troops "were in the field much earlier than any troops from the other Provinces, and were employed in the severe services of transporting provisions in battoes to Fort Edward, and cutting a road from thence to Fort William Henry.

That after the unhappy repulse at Ticonderago (in which many of them fell), the remainder were sent to the Oneida station, and out of them were taken above one third of the army, that, under the command of Col. Bradstreet, not only took and destroyed Fort Frontenac at Cadaraqui, with the vast stock of provisions and warlike stores lodged there, but also every vessel the enemy had on the Lake Ontario;

[2] The salaries act, chap. 1066, appropriated one hundred fifty pounds to aid Kingston in erecting three blockhouses to be located under the direction of the Lieutenant-Governor.

a service that reflects as much honor on the troops who performed it, as it has brought distress on the enemies garrisons to the westward, which from that event, cannot be relieved without the greatest labor and hazard, if relieved at all.

That the remainder of the troops of this Province, were employed in building the Oneida Fort; and being rejoined by the detachment under Col. Bradstreet, continued in that service, till the same fort was finished, in the latter end of November last, during which campaign, by reason of excessive fatigues, laborious marches, and the hardships of an encampment in the wilderness, and the want of necessaries suited to their diseases, great numbers lost their lives, and at the time of their discharge, were found to be greatly reduced.

That the burthen of the present war has fallen so heavy on this small colony, that the number of hands employed in the battoe service, and in land carriages, and in the Provincial Troops, has been so great, that according to computations which have been most exact, it appears that nearly every fifth man in the Province, has been employed in his Majesty's service in the present campaign.

That the emission of bills of credit within this present year, together with former emissions, which the exigencies of the Colony rendered unavoidable, have so greatly increased our public debts, that the paper currency which has been substituted in lieu of ready money for making immediate payment, is in great danger of being depreciated, and the Colony so impoverished by the excessive weight of taxes already laid on the people, that we find our abilities far short of our inclination to assist in any future operations, unless we are in some very considerable degree supported by the Parliament of Great Britain."

Continuing the address reminded the Lieutenant-Governor that New York in the year 1754 "transmitted five

thousand pounds to the government of Virginia to assist that Province in its defence against the French and their Indians, which they had gained over to their party;" that in 1755, five thousand pounds had been appropriated for the general service which was used in the Braddock campaign and for other purposes; and that in the same year New York contributed eight thousand pounds to Connecticut. The address acknowledged the receipt of fifteen thousand pounds from the home government to be used for military purposes.

The address further says that "well knowing that this Province from its commodious situation on the Atlantic Ocean, in the midst of all the British colonies, and its inland navigation, which admits of an easy passage from Canada, and the remotest lakes, through the same to the ocean, has long been the envy, and the conquest of it, the object of the ambition of France; hence have sprung the many encroachments which have been made by the French particularly within this Province at Crown Point and Niagara; their unwearied endeavor at all times to corrupt and alienate the affections and allegiance of our Five Nations of Indians, and their bloody cruelties repeatedly committed by them on our Frontiers."

December 16. The Lieutenant-Governor, replying to the foregoing address, said he would transmit it to the King and his ministers of state.

December 16. After publishing the laws passed at this session, the Assembly was dissolved. In his speech on this occasion, the Lieutenant-Governor said the Assembly was not dissolved from any distaste of their proceedings, but declared that they had done a great deal for the King and their country and deserved the approbation of their constituents. He said it was not probable that the King's commands concerning military operations during the ensuing year would be received in time to permit the Assembly to

transact necessary business before the term of its existence would expire under the limitation of the septennial act, and that for that reason a new Assembly should be called as soon as practicable.

1759. JANUARY. TWENTY-EIGHTH ASSEMBLY, FIRST SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

This Assembly was called by writs of election returnable January 26, 1759, but on account of the severity of the weather, a quorum did not appear, and the Lieutenant-Governor prorogued the Assembly to the 31st. A quorum appeared at that time, and the next day, February 1st, the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I take this opportunity of our first meeting to congratulate you on the success of his Majesty's forces under the command of Brigadier-General Forbes, who after many difficulties and disappointments, obliged the enemy to abandon and destroy Fort Duquesne, an event which restores a large and extensive territory to his Majesty's subjection and will re-establish and strengthen the British interest and influence among the Indians in those parts.

I thought it proper you should meet at this time, being in daily expectation of receiving his Majesty's commands with regard to the operations against the enemy next season. As these are not yet come, I shall recommend to you some few things which appear to me to be for the public utility and to merit your consideration.

In all trading places which are difficult of access as this port is, it is expedient that the pilots and their pilotage be regulated by law. This is now more especially necessary,

when his Majesty's service must lead many of his own ships, as well as others taken up for his use, to this port. You will therefore revive the law for this purpose, which expired the first of last month, with any additions that may be judged needful.[1]

The act for impressing horses, carriages, etc., to carry on his Majesty's service in this Province should be revised and modeled in such manner as to make it effectual, and at the same time to guard against any abuses.[2]

When the labor of every subject is so valuable to the public as it now is, the liberty of their persons becomes more immediately the object of the Legislature. In this view, I recommend to you the preparing a bill for preventing frivolous and vexatious arrests, or any other that may answer so salutary an end.

GENTLEMEN OF THE GENERAL ASSEMBLY.—Some expenses have accrued the last year for the necessary defence of the counties of Ulster and Orange against the incursions of the Indians, which should be provided for, as also any other debts of the government.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Nothing can be a stronger proof of the wisdom of a Legislature than providing for the future security and prosperity of their country. I therefore recommend it to you seriously to consider of some plan for forming under proper regulations, strong settlements on the frontiers.[3]

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[1] A law relating to pilots was passed March 7th, chap. 1083.

[2] An act passed March 7, chapter 1084, authorized the impressment of men and supplies for the purposes of the war.

[3] A joint committee of the two houses was appointed to consider the subject of frontier settlements, and on the 7th of March, when the Assembly adjourned, a resolution was adopted providing that the members of the Assembly from the city of New York, together with Robert R. Livingston and William Livingston, be a committee to join a committee of the Council to consider the Lieutenant-Governor's recommendation. The committee was vested with authority to send for persons and papers, and was required to report at the next meeting of the Assembly. The records do not contain any report from this committee.

We have rich and very valuable lands on the borders of this Province, and should avail ourselves of the advantages which may offer at the end of the war to promote and encourage such settlements as may be a barrier to us against the enemy. We may rely on his Majesty's countenancing any well-concerted measure for this purpose, and have reason to hope for his royal aid and assistance to carry it into execution. We have severely felt in the beginning of this war the effects of former inattention. Lay therefore the foundations of future security now, when these are fresh in your memories, to prevent the like evil effects hereafter.

GENTLEMEN.—These are the matters that have occurred to me as fitting to be recommended to you. Any bills you shall prepare will have their due weight with me as I can have no motive to influence my conduct but the duty I owe to the King, and the service of the country.

JAMES DE LANCEY.

New York, 1st February, 1759.

SPECIAL MESSAGES.

February 3. Thanking the Council for its address, and especially for its approval of his suggestion that strong settlements should be made on the frontiers after the termination of the war. (See note 3.)

February 6. Thanking the Assembly for its address.

February 20. The Lieutenant-Governor sent the following communication to both Houses:

"I have now the pleasure to acquaint you that I have received the commands of our most gracious King, ever attentive to the welfare and lasting prosperity of all his subjects, relative to the operations of the approaching campaign, by letter bearing date the 9th of December, from the Right Honorable Mr. Secretary Pitt, signifying that his Majesty having nothing so much at heart, as to im-

prove the great and important advantages gained last campaign, as well as to repair the disappointment at Ticonderago, and by the most vigorous and extensive efforts, to avert by the blessing of God on his arms, all dangers which may threaten North America, from any future irruptions of the French; and that the King not doubting that all his faithful and brave subjects here will cheerfully co-operate with, and second to the utmost, the large expense and extraordinary succours supplied by Great Britain, for their preservation and defence; and his Majesty considering, that the several Provinces in particular from proximity and accessibility of situation, more immediately obnoxious to the main irruptions of the enemy from Canada, are of themselves well able to furnish at least 20,000 men, to join a body of the British forces invading Canada, and carrying war into the heart of the enemy's possessions. And his Majesty not judging it expedient to limit the zeal and ardour of any of his Provinces, by making a repartition of the force to be raised by each respectively for this most important service, it is his Majesty's pleasure that I should forthwith use my utmost endeavors and influence with you to raise with all possible dispatch, within this Government, as large a body of men as you did the last year, and even as many more as the number of its inhabitants may allow, to be formed into regiments, and to hold themselves in readiness, as early as may be, to march to the rendezvous, which his Majesty's Commander-in-Chief in North America shall appoint, in order to proceed from thence in conjunction with a body of the King's British forces, and under the supreme command of his Majesty's Commander-in-Chief in America, so as to be in a situation to begin the operations of the campaign as soon as possible, by attempting to make an irruption into Canada, in such way and according to such circumstances as his Majesty's Commander-in-Chief shall judge most effectual. And the better to facilitate this important

service, the King is pleased to leave it to me to issue commissions to such gentlemen of this Province, as I shall judge from their weight and credit with the people, and their zeal for the public service, may be best disposed and able to quicken and effectuate it; the whole forces, when joined, to be under a due subordination to his Majesty's Commander-in-Chief; and all officers as high as colonels, inclusive, for their encouragement, are to have rank according to their respective commissions, agreeable to the regulations contained in his Majesty's warrant of the 30th of December, 1757.

The King is also pleased to furnish all the men so raised with arms, ammunition and tents, as well as to order provisions to be issued to them by his Majesty's commissaries, in the same proportion and manner as is done to the rest of the King's forces. A sufficient train of artillery will be provided for the operations of the campaign. Boats and vessels necessary for the transportation of the army on this expedition will also be provided at the King's charge. The whole therefore that his Majesty expects and requires from the several Provinces is the levying, clothing and paying the men; and on these heads also, that no encouragement may be wanting to this great and salutary attempt, the King is further most graciously pleased to permit the Right Honorable Mr. Secretary Pitt to acquaint me, that strong recommendations will be made to Parliament, in their sessions next year, to grant a proper compensation for such expenses as above, according as the active vigor and strenuous efforts of the respective Provinces shall justly appear to merit.

I am also to inform you that similar orders are sent by the same conveyance to New Hampshire, Massachusetts Bay, Rhode Island, Connecticut and New Jersey; the southern governments are also directed to raise men in the same manner, to be employed in such offensive operations as the

circumstances and situation of the enemy's posts in those parts may point out; which it is hoped will oblige them to divide their attention and forces, as will render the several attempts more easy and successful.

GENTLEMEN.—This is what I had to lay before you by his Majesty's command; and can anything animate your zeal on this important occasion more than the consideration that the large expense and extraordinary succours of your mother country have nothing else for their object than to avert all dangers that may threaten you from any future attempts of the French? You will therefore with alacrity second to the utmost measures calculated for your own defence and preservation.

The King is carrying on a war in Europe to maintain the Protestant Religion, and defend the common cause of liberty and independency, in which he is cheerfully and vigorously supported by the united voice of his people, manifested in the addresses of the Lords and Commons. Let the same spirit which actuates them animate you, that we may proceed with the utmost application and dispatch in this urgent and decisive crisis. I do therefore most earnestly recommend to you that you will immediately set about this necessary work, and come to speedy and vigorous resolutions, that there may be no delay on our parts, and that the forces of this Province may be ready to attend his Majesty's Commander-in-Chief, whenever he shall begin his operations.

The success of his Majesty's arms, by the blessing of God, in the reduction of the strong fortress at Louisbourg, under the conduct of his Excellency General Amherst, I look upon as a happy presage, by the same divine blessing, of future success under his direction; may you then, and the other Northern Colonies, so strengthen his hands as to enable him to remove the enemy at such a distance that we

may never hereafter dread their attempts or cruel irruptions.[4]

GENTLEMEN.—I am sensible of your loyalty and duty to his Majesty, and am persuaded you will give proofs thereof at this crisis.

I send you a copy of General Amherst's letter to me of the 16th instant.

JAMES DELANCEY."

February 26. The Lieutenant-Governor sent the following message to the Assembly:

" You have already been apprised by his Excellency General Amherst's letter to me, of the 16th instant, (a copy of which was laid before you) that he intends to begin the operations of the ensuing campaign as soon as the season will permit. I must therefore earnestly recommend it to you to proceed with all possible dispatch to fix the proportion of men which each county is to furnish, and that you will lose no time in preparing a bill for this purpose, and to impower me, in case a sufficient number of volunteers shall not enlist within due time, to make up the deficiency by drafts out of the militia, as has been done before on the like occasions. We have had experience of this method, and have found it effectual; for then every man liable to be detached makes it a common cause and concern to encourage and promote voluntary enlistments, whereby the number is more easily and readily completed.

As you are so thoroughly convinced of the justice and necessity of the present war on the part of his Majesty, and so heartily disposed to facilitate his gracious designs

[4] An act passed March 7th, chap. 1082, provided for raising two thousand six hundred eighty men to become part of a colonial army of twenty thousand for the pending campaign, and appropriated one hundred thousand pounds for military expenses, to be raised by the issue of bills of credit. The act authorized the Lieutenant-Governor to draft men from the militia if a sufficient number did not volunteer by the 4th of April.

for the security and defence of his American subjects, I am persuaded you will do all in your power to facilitate and expedite the levies you have voted. (See note 4.)

JAMES DELANCEY."

March 7. The Assembly was adjourned to the 27th, but did not meet again until June 26.

June 27. The Lieutenant-Governor sent the following communication to both Houses:

"Having on the 14th instant received a letter from his Excellency General Amherst, bearing date the 8th, relating to the King's immediate service, and which could not admit of any delay, I resolved to call you together as soon as possible, though at an unusual and perhaps inconvenient season of the year.

I herewith send you an extract of the General's letter, whereby you will perceive that the contractor's agent not being able to supply the sums of money necessary to answer the large demands made for carrying on his Majesty's service, the General was compelled in this situation, that his operations and the success of his Majesty's arms might not be retarded, to apply for a loan of £150,000, New York currency, in bills of the Province, redeemable in twelve months after their date, by the moneys arising from bills of exchange, to be drawn by Mr. Mortier, deputy paymaster General.

As the distress the service is in for want of money, and the incapacity of the contractor's agents to remove the same, sufficiently evinces and warrants the necessity of the General's having recourse to this method, so was it a sufficient reason for my calling you together so suddenly; and I did it in a full assurance that you would cheerfully embrace this opportunity of giving a fresh proof of your loyalty to the King, and zeal for his service.

I am so fully persuaded of your readily coming into the loan proposed, and in such a manner as no advantage be

taken of these pressing wants which call for the speediest supply, that I think it needless to urge any other arguments to induce you to it.[5]

JAMES DELANCEY."

July 3. The Assembly was adjourned to the 31st, but did not meet again until the 17th of October.

October 17. The Lieutenant-Governor sent the following communication to both Houses:

"His Excellency Major General Amherst having made several important and valuable acquisitions from the enemy, and being determined to take such measures as shall effectually ensure the advantages of this campaign by building forts in proper places, and thereby putting it out of the enemy's power to regain any of their late losses; and foreseeing that it was more than probable that such of the Provincial forces as are by their Legislatures provided for only to the first of November, could not be discharged soon enough to be at their respective homes by that time, without quitting the essential works they were employed in, hath, for these reasons, made a general application to such of the colonies as had provided for the pay of their troops only to that time, to make a further provision for them.

In consequence of this application, I have called you together now, principally for this purpose.

The General's proposal is so reasonable, his measures so well calculated for his Majesty's service, the present safety, and lasting security of this and the other Colonies, that I cannot, in duty to the King, and in regard to your future prosperity omit most earnestly recommending it to you,

[5] Payment of this debt was assumed by an act passed July 3d, chap. 1087, which authorized bills of credit for one hundred and fifty thousand pounds. In his special message of May 14, 1760, the Lieutenant-Governor notes the repayment of this loan.

that you would immediately enable me to comply with the General's request, by making provision for the pay of the troops for one month longer, and for a supply of such necessaries for the men as the season may require, to encourage them to continue in the service with alacrity. I need not tell you that this demands dispatch.[6]

GENTLEMEN.—You must be sensible that the Enemy have had but very small supplies of provisions this year from France, and that most of the men in Canada having been in arms this summer, their crops must have suffered greatly. In this pressing situation, it cannot be doubted but that they will use their utmost efforts to re-possess themselves of their strongholds, if it were only with a prospect of getting subsistence from our magazines; but if they know that there are respectable forts to oppose them, and find that the works are completed, they must lay aside all such attempts as fruitless and vain.

The General has wrote to me that he would be sorry to expose the troops to any unavoidable hardships, and that he will not keep them a moment longer than the above mentioned services absolutely require; and I can depend on it he will not.

GENTLEMEN.—This Province has given many instances of its zeal for his Majesty's service. You will add this fresh one, more especially as the interest of these countries is so nearly concerned in this measure, and it would be unbecoming you to show the least backwardness on this occasion.

I am to acquaint you that the General has ordered forty thousand pounds, sterling, to be paid into the Treasury, in discharge of so much of the loan; and I am to assure you

[6] The Assembly adopted a resolution the same day, October 17th, recommending that provision be made for an additional month's pay for the troops, and that each soldier be furnished with a "pair of shoes and stockings and a warm waistcoat" as a further encouragement to continue in the service. The Assembly agreed to provide for these expenses at the next meeting.

from him, that the residue shall be punctually repaid within the time limited. (See note 5.)

JAMES DELANCEY."

October 18. The Assembly adjourned to the first day of November.

1759. DECEMBER. TWENTY-EIGHTH ASSEMBLY, SECOND SESSION.

JAMES DE LANCEY, Lieutenant-Governor.

A quorum appeared on the 6th of December, at which time the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—It is with the highest satisfaction I take this opportunity to congratulate you on the many great successes of his Majesty's arms this year, both in Europe and America.

The signal and memorable victory obtained over the French army near Minden, the defeat of the French fleet on the coast of Algrave, the conquest of Guadalupe, the driving the French from their strongholds at Ticonderoga and Crown Point, whence these countries have been so greatly annoyed, and effectually securing possession of them, the defeat of their army coming to the relief of Niagara, and the reduction of the fort at that important pass, and lastly, the glorious victory gained by General Wolfe over the enemy on the plains of Abraham near Quebec, with the surrender of that city, the metropolis of Canada, are events which add fresh luster to the reign of the best of Kings, redound highly in the glory of his Majesty's arms, disappoint the intended insult of the enemy on

his Kingdom and dominions, and open to these colonies a favorable prospect of future security.

On my transmitting to his Excellency General Amherst a copy of the act granting in the most disinterested manner a loan of £150,000 for carrying on his Majesty's service, he desired me to signify to you the true sense he has of your loyalty to the King and your zeal for his service, in so readily and cheerfully contributing towards it by your compliance with his request, and that he will not fail to represent your conduct on this occasion to his Majesty's ministers in that just light it deserves.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I must recommend to you the making provision for the support of the officers of the government; amongst these, for another judge of the supreme court, an officer whom the course of justice obliged me to appoint.[1] At the same time you will, agreeable to your resolution at the last meeting, provide for the further pay of the regiment raised in this Province, and for the encouragement voted the men for continuing in the service beyond the time at first intended.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The stamp duty may be regulated in such a manner as to produce annually a much larger sum than it does at present, without any heavy burthen on the subject. This merits your consideration, as does also the excessive consumption of spirituous liquors, of which the public may justly avail itself by an augmentation of the excise.[2] And here it may be proper to point out to you a defect in the act against private lotteries, for though the law be sufficient to restrain them in this government, yet it seems to fall short of the end proposed, as it leaves this a mart for the lotteries set on foot in other Provinces.[3]

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1 Salaries were provided for by an act passed December 24, 1759, chap. 1091, including the salary of an additional judge.

2 An excise law, chap. 1101, was passed December 24, 1759.

3 An act passed December 24, 1759, chap. 1100, prohibited the sale of tickets of any lottery "schemed or erected in any other colony."

The laws necessary to be continued or revived, or any others which you shall frame for his Majesty's service and the benefit of the Province, will meet with my ready assent.

JAMES DE LANCEY.

City of New York,
6th of December, 1759.

SPECIAL MESSAGES.

December 8. Thanking the Council for its address.

December 12. Thanking the Assembly for its address, the Lieutenant-Governor said the colony had exerted itself to the utmost of its power in the King's service.

December 24. The Assembly adjourned to the 29th of January, but did not meet until the 11th of March, 1760.

1760. March 12. The Lieutenant-Governor sent the following communication to both Houses:

"It was with the highest satisfaction, I took the opportunity at our last meeting, in December, 1759, to congratulate you on the many and great successes of his Majesty's arms by sea and land, both in Europe and America, during the course of that year.

I do now again with equal pleasure congratulate you on the further success of his Majesty's arms at sea, in that ever memorable year, an account of which had not reached us when we were last together; I mean the glorious victory gained by his Majesty's fleet under Sir Edward Hawk, over the French fleet on the coast of France, whereby that grand armament, destined to convoy the troops designed for an attempt on Great Britain or Ireland, was destroyed or dispersed, and the enemy's projects to invade his Majesty's kingdoms totally disappointed and defeated.

On the 20th of last month I had the honor of a letter from the Right Hon. Mr. Secretary Pitt, bearing date the 7th of January, 1760, signifying that his Majesty having nothing so much at heart as to improve the great and important

advantages gained the last campaign in North America, and not doubting that all his faithful and brave subjects there will continue most cheerfully to co-operate with and second to the utmost the large expense and extraordinary succours supplied by Great Britain for their preservation and future security, by completing the reduction of all Canada; and that his Majesty not judging it expedient to limit the zeal and ardour of any of the Provinces by making a repartition of the force to be raised by each respectively for this most important service; it is the King's pleasure that I do forthwith use my utmost endeavors and influence to induce you to raise, with all possible dispatch, within this government, at least as large a body of men as you did for the last campaign, and even as many more as the number of its inhabitants may allow, to be formed into regiments, and to hold themselves in readiness as early as may be to march to the rendezvous at Albany or such other place as his Majesty's Commander-in-Chief in America, shall appoint, in order to proceed from thence, in conjunction with a body of the King's British forces, and under the supreme command of his Majesty's said Commander-in-Chief in America, so as to be in a situation to begin the operations of the campaign as soon as shall be any way practicable, by an irruption into Canada, in order to reduce Montreal, and all other posts belonging to the French in those parts, and further to annoy the Enemy in such manner, as his Majesty's Commander-in-Chief, shall from his knowledge of the countries, through which the war is to be carried on, and from emergent circumstances judge to be practicable.

And the better to facilitate this important service, his Majesty is pleased to leave it to me to issue commissions to such gentlemen of this Province as I shall judge from their weight and credit with the people, and their zeal for the public service may be best disposed and able to quicken

and effectuate the speedy levying of the greatest number of men, and all officers of the Provincial forces, as high as colonels inclusive, are to have rank according to their several respective commissions, and agreeable to the regulations contained in his Majesty's warrant of the 30th of December, 1757.

The King is further pleased to furnish all the men so raised with arms, ammunition and tents, as well as to order provisions to be issued to them by his Majesty's commissaries, in the same proportion and manner as is done to the rest of the King's forces.

A sufficient train of artillery will also be provided at his Majesty's expense, for the operations of the campaign.

Boats and vessels necessary for the transportation of the army on this expedition will also be provided at the King's charge.

The whole therefore that his Majesty expects and requires from the several Provinces is the levying, clothing and pay of the men; and on these heads also, that no encouragement may be wanting to this great and salutary attempt, the King is further most graciously pleased to permit the Right Hon. Mr. Secretary Pitt to acquaint me that strong recommendations will be made to Parliament in their session next year, to grant a proper compensation for such expenses as above, according as the active vigour and strenuous efforts of the respective Provinces shall justly appear to merit.

I am also to inform you, that similar orders are sent to New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, and New Jersey. The Southern Governments are also directed to raise men in the same manner, to be employed in such offensive operations as the circumstances and situation of the enemy's posts in those parts may point out; which it is hoped will oblige them so to divide

their attention and forces as may make the several attempts more easy and successful.[4]

GENTLEMEN.—I have now laid before you what his Majesty expects from this Province. The confidence the King places in his brave and faithful subjects here, the large expense and extraordinary succours supplied by our Mother country, his Majesty's most gracious intentions that strong recommendations shall be made to Parliament next year to grant a proper compensation for the expenses of these Provinces, according as their active vigor and strenuous efforts respectively shall justly appear to merit;[5] and lastly, the many and signal successes which have reduced Canada within narrow bounds and may be considered as happy omens, with the divine blessing of future success, are such strong and cogent motives that it seems unnecessary for me to add anything to them to animate your zeal, and excite you to the fulfilling of his Majesty's just expectations from you, on this great occasion, the completing the reduction of all Canada.

GENTLEMEN.—You must be so fully sensible that the safety and welfare of America, and of this Province in particular, are so nearly concerned in this event that I cannot entertain the least doubt but that you will proceed with the utmost application and dispatch in this promising

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[4] Provision was made for raising two thousand six hundred and eighty men to become part of an army of twenty thousand, to be employed in conjunction with regular troops for the purpose of reducing Montreal and other parts of Canada, by an act passed March 22, 1760, chap. 1112, which also authorized bills of credit for sixty thousand pounds. The act authorized a draft from the militia if a sufficient number of men did not volunteer by the 28th of April.

[5] Parliament appropriated two hundred thousand pounds for the northern colonies, of which New York's share was thirty thousand pounds. In a special message of May 30th, the Lieutenant-Governor recommended that a temporary provision be made for this amount pending the transmission of the funds from England, and an act was accordingly passed for this purpose June 10, 1760, chap. 1117.

and decisive crisis, and by speedy and vigorous resolutions enable me to have the troops of this Province in readiness to attend the Commander-in-Chief as early as it shall be practicable for him to begin his operations.

This is what I most earnestly recommend to you, as being for the honor, credit and advantage of the Province, and what I have reason to look for from your loyalty and zeal for the King's service, and your regard for the lasting peace and prosperity of North America.

JAMES DELANCEY."

May 14. The Lieutenant-Governor sent the following message to both Houses:

"I send you a copy of his Excellency Governor Pownall's letter to me, setting forth the terrible waste made by fire in the town of Boston on the 20th of March last, whereby upwards of two hundred families were turned out of doors; the greatest part of whom are by this misfortune rendered incapable of subsisting themselves without the charitable assistance of others.

I am persuaded your hearts will be touched with pity for the unhappy sufferers, and that you will readily contribute to their relief. Their distresses are so great as to call for public succour from their fellow subjects. I earnestly recommend their deplorable case to your compassion.[6]

I also recommend the making provision for discharging the several demands on the Province;[7] and am to acquaint you that the whole of the one hundred and fifty thousand pounds, lent last year by this Province for carrying on his Majesty's service, is, by his Excellency General Amherst's order, repaid into the Treasury.

JAMES DELANCEY."

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[6] The Legislature, by chap. 1119, passed June 10, 1760, appropriated two thousand five hundred pounds for the relief of the sufferers by the Boston fire.

[7] An act for the payment of colonial debts was passed June 10, 1760, chap. 1116.

May 30. Informing both Houses that in view of the probable delay in receiving New York's proportion of the two hundred thousand pounds appropriated by Parliament for expenses of the war, provision should be made for a temporary deficiency of thirty thousand pounds. (See note 5.)

June 10. The Assembly adjourned to the first day of July.

1760. OCTOBER. TWENTY-EIGHTH ASSEMBLY, THIRD SESSION.

CADWALLADER COLDEN, President of the Council and Acting Governor.

The Assembly had been adjourned from the 10th of June to the 1st of July, but was continued several months by prorogations; two of these were by Lieutenant-Governor De Lancey, the last being on the 29th of July. Mr. De Lancey died the next day, July 30, and the government devolved upon Cadwallader Colden, President of the Council. Other proclamations proroguing the Assembly were issued by him from time to time, but a quorum did not appear until October 22, at which time Mr. Colden, as acting Governor, delivered, in the presence of both Houses, the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—You have had time to feel the heavy loss this Province hath sustained by the death of the Lieutenant-Governor—a gentleman whose extensive accomplishments qualified him in a superior degree for the duties of his station.

Sensible of my own inability, I should with the greatest reluctance have assumed the reins of government at my

advanced age, had I not reposed an entire confidence in your readiness to advise and support me in every measure for the public good, and that all deficiencies on my part would be made up by your assistance.

I am happy in congratulating you on the glorious success of his Majesty's arms under the conduct of his Excellency General Amherst, which has completed the conquest of the whole country of Canada. It does the highest honor to the General's reputation that he has put a period to an enterprise of so much moment with so little effusion of human blood; and the clemency with which he has on this occasion treated the vanquished, furnishes a striking proof of the different disposition of the two nations. The French for many years past, meditating the ruin of these colonies, have not scrupled to encourage in the savages, their allies, a spirit of the most brutal inhumanity. No sooner had the English recovered an influence over their Indians, than they made it their principal care to restrain them from every act of cruelty, generously employing that authority to the preservation of the French, which in their hands, had been used to such destructive purposes towards the subjects of the British nation.

Freed from the calamities which so lately surrounded us, we have now before us the pleasing prospect of enjoying in full security our religious and civil rights. With the deepest sense of the divine goodness, great must be the duty we owe to the best of Kings, by whose paternal care and munificence such eminent advantages have been procured for his people, while we have every motive that can inspire us with sentiments of love and gratitude to our mother country, whose treasure and the blood of whose heroes, have been so liberally expended in this contest. We can indeed reflect with satisfaction that our utmost endeavors have been exerted on all occasions for the ad-

vancement of the common cause; but great as our efforts have been, compared to our abilities, without the powerful aids we have received they must have proved ineffectual even for our defence.

GENTLEMEN OF THE GENERAL ASSEMBLY.—At present I have nothing in particular to recommend to you, but a provision for the support of his Majesty's government.[1]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I have every inducement that can excite a lover of his country to study and promote its prosperity, and it will give me the greatest pleasure to concur with you in whatever may be thought necessary for this end, as far as is consistent with the powers devolved on me by this casual accession to the administration.

CADWALLADER COLDEN.

Fort George, New York,
22 October, 1760.

SPECIAL MESSAGES.

October 28. Thanking the Council for its address.

October 29. Thanking the Assembly for its address, President Colden said: "When we reflect on his Majesty's unbounded goodness to these his Colonies, we cannot but rest satisfied that their future welfare will ever be an object of his royal attention."

November 8. The Assembly was adjourned to January 6, 1761, but it did not meet again. King George II died on the 25th of October, 1760, and by his death the Assembly was deemed to have been dissolved. George III became king October 25, 1760.

[1] An act for the support of government, chap. 1126, was passed November 8th.

1761. MARCH. TWENTY-NINTH ASSEMBLY, FIRST SESSION.

CADWALLADER COLDEN, President of the Council and Acting Governor.

Writs of election for this Assembly were returnable March 3d, but it was prorogued to the 10th, when a quorum appeared and the next day President Colden delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Though the death of our late most excellent sovereign has been for some time known and sincerely lamented by his faithful American subjects, I cannot pass over so melancholy an event without condoling with you on this severe and afflicting loss, and giving you an opportunity of testifying the grateful reverence you have for the memory of a King, by whose wisdom and fortitude the inhabitants of these colonies have emerged from all the horrors and miseries of a cruel and destructive war into the actual enjoyment of conquest and full security.

How great reason have we to adore the goodness of divine Providence that we can turn our eyes from this subject of universal grief, and with consolation look up to the illustrious Prince, who with the throne inherits the royal virtues of his grandfather—virtues which never fail to make a monarch glorious and a people happy? That we can from his early piety and amiable endowments securely confide in his gracious declaration at his accession, that he will make it the business of his life to promote in everything the glory and happiness of his Kingdoms, to preserve and strengthen the constitution both in Church and State, and that he will endeavor to prosecute this just and

necessary war in the manner the most likely to bring on an honorable and lasting peace.

Deeply sensible of the blessings we enjoy as a British colony, let us unite in a hearty and inviolable attachment to the sacred person and government of a sovereign, who considers the love of his people as the greatest and most permanent security of his throne, and approve ourselves on all occasions zealous and faithful subjects.

GENTLEMEN OF THE GENERAL ASSEMBLY.—The troops having been necessarily detained on the last campaign beyond the time for which pay was provided, I recommend this as a matter deserving your consideration.[1]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The General having intimated to me that his Majesty would expect an aid of men from his colonies, I called you together that I might impart to you the King's commands as early as possible after I should receive them.[2] Until this shall be in my power, you will apply your attention to such laws as are necessary to be continued, or to any other business the public service may at this time require, in which you will always find me ready to concur.

CADWALLADER COLDEN.

Fort George, City of New York,
March 11, 1761.

SPECIAL MESSAGES.

March 13. The Assembly in an address presented to President Colden said:

"With hearts full of grief we embrace this opportunity to condole with your Honor on the most melancholy and

[1] The act providing for an additional force to secure the results of the war, passed April 4th, chap. 1145, appropriated three thousand pounds for expenses incurred by keeping the army in the field beyond the original term of enlistment.

[2] This subject was again referred to in a special message of March 24th, and an act was passed April 4th, chap. 1145, which provided for raising 1,787 men to be employed in securing his Majesty's conquests in North America.

afflicting event, of the death of our late most gracious Sovereign, whose memory will be ever dear to all his faithful American subjects, and from whose glorious reign we may date the era of our security from all that desolation, blood, rapine and captivity, to which we and our ancestors have been perpetually exposed since the first settlement of this part of America; a security which we confidently hope will be transmitted entire to our latest posterity, that children yet unborn may with grateful acclamations commemorate this great and interesting event.

In the midst of this universal unaffected grief, we behold and adore the goodness of divine Providence in bringing to the throne a Prince who with the Crown inherits all the virtues of his royal predecessor; a Prince from whose gracious declaration at his accession, that he will make it the business of his life to promote in everything the glory and happiness of his Kingdoms, and to preserve and strengthen the constitution in church and State, all his grateful subjects rely with confidence on the uninterrupted enjoyment of their sacred and civil liberties.

Truly sensible of the blessings we enjoy, under a Sovereign who considers the love of his People as the greatest and most permanent security of his Throne, we shall most heartily unite in a firm adherence to his sacred person and government, and on every occasion study to show ourselves dutiful, loyal and faithful subjects."

President Colden, thanking the Assembly for this address expressed the belief that the good effects of the successes which had attended the reign of the late King would be perpetuated to posterity by the new Sovereign, to whom the Assembly's declaration of loyalty and a firm adherence to his person and government, could not fail of being highly acceptable. The same day the President thanked the Council for a similar address.

March 14. The President, replying to a request by the Assembly for permission to adjourn, said he could not

consent to an adjournment beyond the 24th instant, for the reason that he was daily expecting dispatches from England. The Assembly was accordingly adjourned to the 24th instant.

March 24. President Colden sent the following communication to both Houses:

"During your short recess I have received a letter of the 17th of December last from the Right Honorable Mr. Secretary Pitt, and it gives me pleasure to inform you that his Majesty having nothing so much at heart as by the most vigorous prosecution of the war to reduce the enemy to the necessity of accepting a peace, on terms of glory and advantage to his Majesty's crown, and beneficial in particular to his subjects in America; and as nothing can so effectually contribute to that great and essential object as the King's being enabled to employ as immediately as may be such part of the regular forces in North America as may be adequate to some great and important enterprise against the enemy, it is the King's pleasure that in order the better to provide for the full and entire security of his Majesty's conquests there during the absence of such part of his regular forces, I should earnestly press you to raise, with all possible dispatch, within this government, two-thirds of the number of men you did for the last campaign, to be formed into regiments as far as shall be found convenient, to hold themselves in readiness, (and particularly as much earlier than former years as may be) to march to such place or places in North America as his Majesty's Commander-in-Chief shall appoint, in order to be employed there, under the supreme command of his Majesty's said Commander-in-Chief in America, in such manner as he shall judge most conducive to the King's service.

And the better to facilitate this important end, the King is pleased to leave it to me to issue commissions to such gentlemen of this Province as I shall judge from their

weight and credit with the people, and their zeal for the public service, may be best disposed and able to quicken and effectuate the speedy levying of the greatest number of men; and all officers of the Provincial forces, as high as colonels inclusive, are to have rank, according to their respective commissions, agreeable to the regulations contained in his late Majesty's warrant of the 30th of December, 1757, which is renewed by his present Majesty.

The King is further pleased to furnish all the men so raised with arms, ammunition and tents, as well as to order provisions to be issued to them by his Majesty's commissaries, in the same proportion and manner as is done to the rest of his Forces.

The whole therefore that his Majesty expects and requires from the several Provinces is the levying, clothing and pay of the men; and on these heads also, that no encouragement may be wanting to this great and salutary service, the King is further most graciously pleased to permit his Secretary of State to acquaint me that strong recommendations will be made to Parliament in their session next year, to grant a proper compensation for such expenses as above, according as the active vigor and strenuous efforts of the respective Provinces shall justly appear to merit.

I am likewise to inform you that similar orders are sent to New Hampshire, Massachusetts Bay, Connecticut, Rhode Island and New Jersey. The Southern Governments are also directed to raise men in the same manner, to be employed in such offensive operations as the circumstances and situation of the enemy's posts, and the state and disposition of the Indian Nations on that side, may point out and require.

Such are his Majesty's gracious measures, formed to procure peace with glory to his Crown, and advantage to his subjects in general, but with a more immediate view to

the security of his American Dominions, and the welfare of this Province in particular; I cannot therefore doubt of your hearty compliance with his Majesty's just expectations, especially when we reflect with what tenderness he requires that assistance which the public good, and your own peculiar happiness, render so necessary; and how desirous he is of alleviating the burthen which might otherwise fall too heavy on you.

The loyalty of the people of this Province, and their invariable regard to the honor and interest of their country, have been so conspicuous during this expensive conflict, that it would be injurious to suspect that your zeal can slacken, or that in this decisive juncture you can be influenced by any consideration from continuing cheerfully to exert your utmost efforts, until the great and good purposes his Majesty has in view, shall be effectually accomplished.

Unanimity and dispatch appear then only necessary for me to urge on this subject; and I earnestly press you, by the vigor of your resolutions, to enable me to have the forces in the field as soon as possible; and by that means prevent as much as may be the prejudice the King's service might suffer from the delay unavoidably created by the miscarriage of his Majesty's more early commands on this interesting occasion. (See note 2.)

CADWALLADER COLDEN."

April 3. Recommending the erection of a light house at Sandy Hook. The President said the spot best adapted to this purpose was in the Province of New Jersey, and he suggested that authority be given him to communicate with the legislature of that Province, which was then in session.[3]

[3] An act passed May 19th, chap. 1147, appointed commissioners who were authorized to purchase land at Sandy Hook, and erect thereon a light house. The money appropriated for this purpose, three thousand pounds, was to be raised by lottery.

May 6. Urging the immediate adoption of measures to carry out the provisions of the army act, passed April 4, chapter 1145.[4]

May 19. The Assembly was adjourned to the 16th of June.

1761. SEPTEMBER. TWENTY-NINTH ASSEMBLY, SECOND SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

Mr. Colden was appointed Lieutenant-Governor April 14, 1761, and took the oath of office on the 8th of August. The Assembly met September 1, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Since our last meeting I have the honor of his Majesty's commission appointing me his Lieutenant-Governor. As this is a mark of the royal approbation, my thanks are due

[4] In response to this recommendation the Assembly, on the 9th of May, adopted a resolution which declared, among other things, that the colony had already fully complied with all the King's requisitions in connection with the war; that by declining to enact a law providing for a draft or detachment of militia, the colony, already burdened with expense of the war, would not only be saved above sixteen thousand pounds "but that the greater part of the men required, will be more expeditiously raised; and this they find already verified by experience, for whenever a power has been given to detach, it has always been the practice of those who were determined to go into the service, to decline doing it till the day appointed for a detachment, in order to exact exorbitant sums from those whom their particular circumstances would not permit to make a campaign; and the committee have good information that numbers who are now willing to go into the service, decline doing of it, from a distant hope that such a law will still be passed; and are persuaded, when it is publicly known that no such law will be passed, the recruiting officers if they do their duty, will find it very easy to complete the levies."

to you for that effectual support and assistance so readily afforded on your part, and so necessary to mine in the discharge of the weighty duties of government.

The time for which the forces raised in the Province were enlisted, already near expiring, it is not possible the regular troops destined for the important intended expedition can return before it is elapsed, and as in their absence a small body of men will be necessary for the protection of the several forts and the whole country, his Excellency General Amherst, by his letter of the fifteenth of June, now laid before you, desires me to recommend your continuing in pay for a longer period a company to consist of one hundred and seventy-three men, including a captain and three subalterns, the quota of this government, agreeable to the numbers required of the several colonies for this essential service.[1]

Your meeting could not have taken place, after the receipt of the General's letter, earlier than the harvest, a season so inconvenient that by the advice of his Majesty's council, who were of opinion you would not hesitate in complying with this moderate and necessary requisition, I delayed calling you together till this time.

GENTLEMEN OF THE GENERAL ASSEMBLY.— The supplies to be granted bear so little proportion to what we might have expected, and to that weight of expense you have hitherto cheerfully sustained, that to press you to it by arguments may be thought injurious to that zeal for his Majesty's service and the safety of the colonies, so conspicuous in your own and the conduct of the representatives of the loyal people of this Province on every former occasion.

The present unfavorable disposition of the Indians on the borders of Ulster and Orange creates great uneasiness

[1] In response to this recommendation an act was passed September 11th, chap. 1152, providing for one hundred seventy-three volunteers for frontier service.

among the inhabitants. The information I have received will be communicated, and as some expense may be incurred in the prosecution of the measures necessary to deter these savages from acts of violence, and to bring them back to their duty, you will consider whether it may not be prudent by some fund for contingent services to strengthen the hands of government, that the most effectual protection may be given to the settlements on any emergency.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— What appears immediately essential for your deliberation I have laid before you. It would afford me the greatest pleasure to contribute to the happiness, ease and prosperity of the good people of this Province, but as the powers of government will probably soon be lodged in the hands of Major-General Monckton, whose services his Majesty hath been pleased to distinguish by constituting him his Captain-General and Governor-in-Chief, I think it improper for me to recommend anything to you which may be delayed without public inconvenience.

CADWALLADER COLDEN.

Fort George New York
2d September 1761.

SPECIAL MESSAGES.

September 4. Lieutenant-Governor Colden thanked the Council for its address, and approved its complimentary reference to General Amherst whose "fortitude, wisdom and benevolence have justly acquired him the confidence and esteem of his Majesty's subjects."

September 4. Transmitting letters from residents of Ulster county relative to the uneasiness of the people in that county at the threats and bad dispositions of the Indians.

September 5. Thanking the Assembly for its address.
September 11. The Assembly adjourned to November 10th.

1761. NOVEMBER. TWENTY-NINTH ASSEMBLY, THIRD SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

On the 4th day of May, 1761, Major-General Robert Monckton, who had rendered distinguished service for the Colonies in recent campaigns, was appointed Governor of New York. In a letter from him to the Lords of Trade, dated November 10, 1761, he says he received his commission on the 20th of October, and took the oath of office on the 26th, but with his commission came also a leave of absence granted by the King to quit the Province, and go on an expedition that was then fitting out in New York, and that in consequence of his expected absence he had not entered into anything more than the necessary forms of government. November 13th he delivered the seals of office to Lieutenant-Governor Colden, who again became acting Governor.

November 25th the Assembly resumed business, and the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—His Majesty's service requiring the absence of his Excellency the Governor-in-Chief, it shall be my earnest endeavor, with your assistance, that the interest of the Province during this emergency suffer as little as possible.

In the present happy conjuncture, when our gracious Sovereign has nothing to demand of you that calls for your particular aid, your attention will be confined to what more

immediately relates to the internal concerns of government and the welfare and prosperity of the colony.

Complaints of the dilatory proceedings in the courts of law and of the heavy expense in obtaining justice, are so general and frequent that they well deserve your attention. I therefore recommend to you to inquire into the grounds of these complaints, and if found just, to apply a remedy adequate to so great an evil. Without doubt, it is the duty and in the power of the Legislature to give relief in every public grievance. The delay of justice is a denial of it for a time, and is often, when attended with great expense, of worse consequence to individuals than the absolute refusal of justice. The security of government and the well-being of society are founded on the equal distribution of justice, which cannot prevail in its proper extent while the expense in obtaining it is insupportable to many.

The excessive number of tipling houses throughout the Province points out the utility of a law to restrain them. They are ruinous to many poor families that might otherwise be useful to the community, and destructive of the morals of servants and slaves; evils so prevalent and pernicious as to claim your most serious consideration.[1]

GENTLEMEN OF THE GENERAL ASSEMBLY.— Besides the support of his Majesty's government usually provided for at this season,[2] I have only to recommend that you will supply any deficiency which shall appear in the moneys already appropriated for the pay of the forces to the first of this month, the time of their discharge.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— Nothing will afford me more real satisfaction than contributing to the well-being and future happiness of the good people of this Province, and you may be assured that

1 An excise law was passed at this session, December 31, 1761, chap. 1159, but it apparently did not limit the number of tipling houses.

2 The usual act for the support of government was passed December 31, 1761, chap. 1155.

whatever you shall propose conducive to this end and consistent with my duty to his Majesty will find my ready concurrence and assent.

CADWALLADER COLDEN.

Fort George, New York,
25th November, 1761.

SPECIAL MESSAGES.

November 30. The Council presented an address to the Lieutenant-Governor containing the following observations relative to judicial proceedings:

"Dilatory proceedings in the courts of law, and a heavy expense in obtaining justice, are objects which so sensibly affect the public, that they certainly claim the serious attention of the Legislature; and if upon inquiry the complaints appear well grounded and just, your Honor may be assured of our hearty concurrence in applying a remedy adequate to the evil. Oppressions of all kinds are truly odious, but surely those are of the most pernicious nature that assume the face of justice."

The Lieutenant-Governor, thanking the Council for its address, said that complaints relative to delay in courts of justice had gone so far as to reach the royal ear.

December 1. Thanking the Assembly for its address, the Lieutenant-Governor said that each branch of the Legislature had an equal right to judge as to what would be for the benefit of the country, but that methods might be proposed which would be inconsistent with the English constitution; "or under a pretence of a benefit, a small dependant State may attempt to set bounds to, and restrain the rights and prerogative of the King of Great Britain. In these cases, though the benefit be real, the method proposed for procuring it may be inconsistent with the duty of every officer who has the honor to serve the Crown;

especially if the same benefit may be more effectually obtained by methods to which no exceptions lie."

December 11. Transmitting sundry accounts of demands against the colony.

December 16. Informing both Houses that Benjamin Pratt had been appointed chief justice, and recommending that provision be made for an adequate salary.[3]

December 29. The Lieutenant-Governor, Council and Assembly joined in an address to the King, congratulating him on his marriage.

1762. January 8. The Assembly was prorogued to the 16th day of February.

1762. MARCH. TWENTY-NINTH ASSEMBLY, FOURTH SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

The Assembly met the 2d of March, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Our gracious sovereign having seen his good dispositions to restore the public tranquillity entirely frustrated by the insincerity and chicane of the Court of Versailles in the late negotiation, and being determined to secure and improve the important advantages acquired on this continent in the course of the present successful war, and to reduce the enemy to the necessity of accepting a peace on terms glorious to his Crown and beneficial in particular to his subjects in America; and considering that nothing can so

[3] By the salaries act, passed December 31, 1761, chap. 1156, the compensation of Chief Justice Pratt was fixed at three hundred pounds per annum.

effectually contribute to these essential objects as his being enabled immediately to employ a part of his regular forces, adequate to some important enterprise against the enemy; His Majesty therefore, in order the better to provide for the security of his dominions, and particularly his conquests in North America during the absence of his regular troops so employed, has been pleased to command me earnestly to press you to raise within this government as soon as possible, at least the same number of men as the last year, to be formed into regiments, and employed in North America, under the supreme command of his Majesty's Commander-in-Chief, in such manner as he shall judge most conducive to the King's service.[1] All his Majesty requires on this head from the several Provinces, which are likewise now called upon for their respective quotas, is the levying, clothing and pay of the men, His Majesty being graciously pleased not only to provide the officers the rank, but the troops with provisions and equipage as on the former campaigns. And that no encouragement may be wanting to this great and salutary service, the King is pleased to permit his Secretary of State to acquaint me that strong recommendations will be made to Parliament to grant a proper compensation, according as the active vigor and strenuous efforts of the respective Provinces shall justly appear to merit.

His Majesty having also taken into his most serious consideration how highly essential it is to the interests and security of his subjects in North America that the regular regiments serving there be recruited with all convenient expedition to their full complement of effectives, and at the same time seeing the impracticability of completing them from Great Britain, considering how that country is drained

[1] The Legislature responded to this recommendation by an act passed March 20th, chap. 1172, which provided for raising seventeen hundred eighty-seven men.

by the great number of men furnished for the various services in all parts of the world, I am, in obedience to his Majesty's commands, likewise to recommend that you will provide for the raising of four hundred and seventy-nine men, by granting the same levy money to these as to the others, which number is the quota of this Province, agreeable to the proportions to be furnished from the other colonies, towards completing the regular regiments which have been sent to America for the defence and protection of the possessions of his Majesty's subjects there;[2] and as a farther encouragement to induce the men to enter into the regular service, his Excellency, Sir Jeffery Amherst, Commander-in-Chief of his Majesty's forces, will allow an additional bounty of five pounds New York currency to each man, not under eighteen nor above forty years of age, who shall enlist to serve during the war, or until the regiments return to Europe, and to the provincial officers, forty shillings, like money, for every man they shall enlist on the above conditions, that shall be approved of by an officer whom the general shall appoint; and to render this service effectual, it is expected that the colonies do also provide for replacing such men of their respective quotas as shall desert, which is conceived may be a means to prevent their leaving their corps.

GENTLEMEN OF THE GENERAL ASSEMBLY.—Having laid before you the several services which call for your aid at this time, I must ask of you supplies adequate to their importance and exigency, earnestly recommending that no argument may have weight in your deliberations, that can have the least tendency to check a fresh exertion of your abilities, as no expense can justly be thought burthensome that is necessary to secure to yourselves the great advantages you already enjoy, and which there is now the fairest

2 An additional force of 479 men was provided for by an act passed March 20th, chap. 1173.

prospect will be confirmed and transmitted to your posterity in a more eminent degree by a solid and lasting tranquillity.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— Though the present situation of affairs would have fully justified the requisition of as large a number of men as the colonies have ever raised for any of the former campaigns, yet his Majesty, desirous to ease the burthens of his faithful subjects as far as shall be consistent with their own safety, has been pleased to require only the same number of men as for the last year, in order thereby to facilitate the completing the regular regiments by recruits to be furnished from the Provinces of North America, a measure so essential and which the King has so much at heart, that any failure or disappointment therein would be extremely disagreeable to his Majesty, as it must be highly prejudicial to his service.

These colonies so nearly concerned in the present war, his Majesty is persuaded from a due sense of his tender and paternal care for their welfare, will in return show a ready and cheerful compliance with his demands in their fullest extent; and were anything further necessary to animate your zeal in this important conjuncture, which is finally to fix the future safety and welfare of America and of this Province in particular, I would urge what I doubt not you will persevere in, that steady and spirited conduct of the people of this colony at all times, when called on in the prosecution of this war; a conduct which highly approves them to their Sovereign, and while it reflects honor on themselves, must endear them to their mother country, confident that actuated by the same principles and influenced by considerations so powerful and interesting, your loyalty and zeal will be equally ardent and conspicuous when your resolutions must be so essential to that desirable object of reducing the enemy to the necessity of accepting

a peace on terms of glory and advantage to his Majesty's crown and beneficial to his people.

CADWALLADER COLDEN.

Fort George, New York,
3d March, 1762.

SPECIAL MESSAGES.

March 6 and 9. Thanking the Council and Assembly respectively for their addresses.

May 4. The Lieutenant-Governor sent the following communication to both Houses:

"The declaration of war with Spain, so immediately succeeding his Majesty's late requisition of these Colonies, shows in a pointed light, with what propriety the King might have expected an exertion on their part, equal to their efforts in any preceding year; though he graciously condescended, in ease of his faithful subjects, to moderate the demand of Provincial levies, to two-thirds of the number formerly raised.

That his Majesty's designs against the enemy may not be retarded or disappointed, I am commanded to complete the forces provided for as early as possible. Everything in my power conducive to that end I have done; and it is with real concern I find my endeavors less effectual than those of the neighboring governments, who have I am informed, completed their numbers, while the quota of this Province, generally first in the field, appears by the returns to be greatly deficient. So unusual a backwardness is I apprehend to be solely imputed to the reduction of the bounty from fifteen to the sum of ten pounds.

Your meeting therefore became indispensably necessary to remove the difficulties this essential service labors under. There are many dispersed throughout the Province, who after receiving the public bounty deserted in the former campaigns. It is but just in the present emergency to

oblige these to enlist; and I conceive, it would be of great utility to impress all others, who having no visible employment or means of subsistence are a burthen, and even dangerous to the community.

I recommend this only as an expedient that may make the duty fall less heavy on more useful members; and when you reflect that the further operations of his Majesty's arms are absolutely necessary to secure the advantages of a war, hitherto extensively successful, I can have no doubt of your exerting the utmost efforts to effectuate a measure, with which the honor of his Majesty, and the reputation and safety of the colony are so nearly connected.[3]

CADWALLADER COLDEN."

May 18. The Lieutenant-Governor sent the following communication to both Houses:

"From a general return of the enlistments now laid before you, it appears there are still wanting 436 men, to complete the quota provided for; exclusive of what may be short at Oswego. If to these we add the difference between the numbers enlisted, and those who pass muster, which will probably be greater than usual, the deficiency is too considerable, and the public service too pressing, not to require the most speedy provision.

It is evident the present war with France took its rise from a determined resolution to restrain her unjust en-

3 The next day, the 5th of May, the Assembly passed resolutions, expressing the opinion that the slow enlistment of men was not due to the reduction of bounty from fifteen to ten pounds, which bounty of ten pounds exceeded that of any other American colony. The resolution also declared that there was no unusual backwardness in enlistments, some twelve hundred men having already enlisted; also that no adequate results could be accomplished by an act requiring deserters in a former campaign to serve in the present war. The Assembly further expressed the opinion that "to impress such as have no visible means of subsistence, would rather tend to prejudice the service, as it would prevent straggling people from coming in this colony, who when they do come, do many of them, enlist voluntarily."

croachments on these Colonies. The principal operations have ever since been conducted with an immediate view to their safety. And the same gracious purpose is manifested in the spirited measures his Majesty is pursuing at this time; while we must be gratefully sensible, that the chief burthen of the expense hath fallen upon, and is still cheerfully supported by Great Britain, although now highly augmented by a new rupture, in which we are involved through the arrogance and jealousy of the Spaniards; who, impatient of the many important acquisitions of his Majesty's arms in America, propose by the addition of their weight, to turn the scale, and prevent the salutary effects we had reason to expect from a series of victories and conquests. With what justice then does the King require an aid so reasonable and necessary from his faithful colonies, and how great will be his disappointment, if when the Mother Country is exerting her strength, they should not in imitation of their great example, do everything in their power towards the success of measures, essential to their own future happiness and security? I therefore earnestly recommend, that you will now effectually enable me, without loss of time, to complete the levies, lest after the most signal proofs of loyalty, you should expose yourselves to reproach, by slackening your zeal for the common good, at this important conjuncture.[4]

CADWALLADER COLDEN."

May 22. The Assembly adjourned to the 15th of June.

[4] The Assembly on the 21st of May, passed a resolution offering an additional bounty for the immediate enlistment of men for this service.

ROBERT MONCKTON, Governor.

The Assembly had been adjourned to June 15th, but did not meet until November 16th, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I have the great happiness to congratulate you on the auspicious birth of a prince, an event which must inspire every British subject with the most grateful sentiments of the Divine goodness, as it promises security and permanency to the inestimable blessings derived to our country from our gracious sovereign and his illustrious house.

The military operations since your recess are also a source of public joy and exultation. Havannah [Havana], the key to the settlements and treasures of Spain, fortified by all the advantages of art, and defended with vigor and obstinacy, is gloriously subjected to his Majesty's dominion, and by the capture of all the ships in that port, the marine of our enemy most essentially debilitated.

The commercial settlement of St. John's in Newfoundland, seized by a feeble effort of the declining power of France, is happily regained, by a well-timed and spirited enterprise, wisely projected and gallantly executed.

These eminent successes which add fresh lustre to the established reputation of his Majesty's arms, are the more interesting as they must at this critical conjuncture be of the utmost moment in advancing that great and desirable object, a glorious and a solid peace.

GENTLEMEN OF THE GENERAL ASSEMBLY.—His Excellency Sir Jeffery Amherst, in the beginning of August, having requested me to recommend to you to provide for the continuing in pay of a company of one hundred and seventy-

three men, including a captain and three subalterns, his Majesty's Council, confident that the same zeal would influence you to this necessary measure which had induced you to support it the last year, advised me to delay calling you together, until the ordinary season of your meeting, and in the meantime to give orders for the enlistments, in consequence of which this corps is now nearly completed. From the dispersed situation of his Majesty's regular troops employed in many various services, and the absolute necessity of garrisoning the extended posts on this continent during the winter, the propriety of this requisition must be too apparent to need any arguments to enforce it. I therefore do not in the least doubt but you will very readily make the provision required.[1]

The support of his Majesty's government expiring the first of September, it is my duty to recommend this to your early attention.[2] The dignity and importance of the office of chief justice and of the judges who are intrusted with the lives and rights of the subjects, render it as essential to your own happiness and security, as it is to the honor of the Crown, that a suitable augmentation be made to their salaries, that this high trust may not fall into contempt, but be rendered worthy the exercise of men of approved merit, learning and ability. On this point, it is proper I inform you that by his Majesty's additional instruction to me I am restrained from assenting to any act by which the tenure of the commissions to the judges shall in any manner be regulated or ascertained.[3]

The Provincial troops have unavoidably been employed longer than the time appointed by law, and many of them

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1 An act passed December 11th, chap. 1185, provided for the enlistment of one hundred and seventy-three men for service on the frontiers.

2 An act for the support of government was passed December 11th, chap. 1183.

3 The salaries act of December 31, 1761, chap. 1156, made an appropriation for the compensation of the chief justice and associate justices, provided they held their commissions during good behavior. This limitation was disap-

who have served abroad, from the fatigues and climate to which they have been exposed, will stand in need of relief. I therefore urge you to make sufficient provision that those who have engaged and suffered in the defence of their country may be supported at her expense on their return and until they can arrive at their habitations.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— Among the laws which require your consideration, I must point out to you the necessity of reviving those for billeting and quartering the King's troops,[4] and the impressing of horses and carriages, experience having shown the impracticability of carrying on the public service with effect without the aid of these laws.

The just sense I entertain of the honor the King has conferred on me in my appointment to this government, and my sincere and ardent desire to promote the welfare and felicity of the people committed to my care, will always induce me with pleasure and alacrity to support and encourage every measure and every object that can tend to his Majesty's service and their well-being and prosperity, in which I cannot fail of having your hearty concurrence. Actuated by these principles, I flatter myself I shall enjoy that inward and solid satisfaction which must be the reward of an upright and disinterested administration.

ROBERT MONCKTON.

Fort George, New York,
16 November, 1762.

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proved, as appears from the Governor's speech, and the salaries act passed at this session, December 11th, chap. 1184, did not contain the limitation relative to commissions during good behavior.

The Assembly, however, deemed the subject of sufficient importance to warrant an address to the King, which was agreed to on the 11th of December, and duly transmitted. In this address the Assembly sets forth the dangers of an irresponsible judiciary, and prays that permission be granted to enact laws which should enable the colony to exercise some control over the judiciary, which could not be had if the judges received commissions authorizing them to hold office during the King's pleasure.

[4] An act for quartering soldiers was passed December 11th, chap. 1187.

SPECIAL MESSAGES.

November 18 and 19. Thanking the Council and Assembly respectively for their addresses.

November 24. Recommending a survey of the line between the counties of Ulster and Albany; also that the law dividing the colony into counties be revised and amended "that by fixing the several lines with precision and exactness, the inconvenience of a doubtful jurisdiction may be avoided."[5]

November 24. The Governor sent the following communication to both Houses:

"No provision being made for defraying any expense however necessary, in the carrying on prosecutions at the suit of the Crown, the public justice is in danger of suffering, and in some instances may be defeated. At the same time, I cannot avoid observing that his Majesty's attorney-general, the only officer who prosecutes for the Crown, after the most able and faithful discharge of his trust, has no recompense adequate to service so essential to the community; the law not giving any costs in criminal causes. I therefore recommend these matters to your consideration, not doubting but you will provide for them amply and effectually.[6]

ROBERT MONCKTON."

December 3. Recommending the immediate adoption of measures for settling the boundary line between New York and New Jersey.[7]

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[5] December 1st, the Assembly adopted a resolution favoring a revision of the law relative to county boundaries, but in order to give time for consideration, appointed a committee with instructions to bring in a bill at the first meeting of the Assembly after the first day of June, 1763. The subject was brought up at the next session, November 29, 1763, and a resolution was adopted postponing action until after the 1st of March, 1764.

[6] The salaries act, passed December 11th, chap. 1184, appropriated three hundred pounds to the Attorney-General for extraordinary expenses.

[7] By an act passed December 11th, chap. 1188, questions involving the title to lands held under New York grants, and which were affected by disputes relative to the boundary between New York and New Jersey were submitted to the King for determination.

December 3. Urging the enactment of laws relative to quartering soldiers and impressments for military service. (See note 4.)

December 4. Transmitting an account for expenses incurred in repairs to the Governor's house in the fort.[8]

December 11. The Assembly was adjourned to the first Tuesday in February, 1763.

1763. NOVEMBER. TWENTY-NINTH ASSEMBLY, SIXTH SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

The Assembly had been adjourned to the first Tuesday of February, 1763, but it did not meet until the 8th of November. In the meantime, Governor Monckton, intending to go to England, had on the 25th of June delivered the seals to Lieutenant-Governor Colden, who again assumed the executive office. November 9th the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The great and desirable work of peace being by the wisdom and magnanimity of our gracious sovereign happily accomplished since your recess, I cordially congratulate you on this joyful event so highly glorious to his Majesty, and extensively beneficial to his people. His American subjects who will derive from it a security unknown since the first establishment of these colonies, must receive this mark of the royal attention to their interest and safety with the warmest sentiments of loyalty, gratitude and affection.

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[8] This account for repairs on the Governor's house was provided for by appropriations contained in an act passed December 11th, chap. 1193, to reimburse the treasurer for certain advances.

The enjoyment of solid tranquillity is however unhappily suspended by the daring and unprovoked attacks of some of the Western tribes of Indians, who under the specious appearance of friendship have treacherously surprised some of our remote posts and are in open war, renewing with relentless cruelty that horror and desolation among the defenceless inhabitants from which they were so recently delivered.

To suppress this dangerous defection pregnant with the most fatal evils before it becomes more extensive and formidable is our indispensable duty.

The preservation of our own frontier should be our first and immediate care, every motive of policy, justice and humanity unitedly demanding the protection of our fellow subjects, whose distant and dispersed situation must otherwise leave them an easy prey to merciless savages.

But barely to defend ourselves would be giving the enemy every advantage, and expose us to perpetual disquietude. It is necessary a force should be raised, sufficient to chastise these faithless people, that feeling the weight of our resentment they may be awed for the future by the fear of punishment, experience evincing that destitute of every just and humane principle nothing else can secure us against their continual ravages and depredations.

Since then not only the prosperity of the colony, but the very existence of a great part of it depend on the most active and spirited measures, no arguments can be wanting to animate you to a vigorous exertion of your strength in the accomplishment of this essential object.

I shall therefore content myself with laying before you a letter I received from his Excellency Sir Jeffery Amherst, Commander-in-Chief of his Majesty's forces, pressing this government to furnish a proportion of men to proceed early in the spring, in conjunction with the regular troops on this important service. Did the subject require it, his

superior abilities would render it unnecessary for me to enforce what he so wisely urges for subduing that restless, fierce and cruel spirit of the savages, the source of the most dreadful calamities.

GENTLEMEN OF THE GENERAL ASSEMBLY.—I flattered myself the ordinary support of his Majesty's government would have been the only aid required of you at this time, but the unexpected revolt of the Indians renders a much greater expense unavoidable. Besides providing for the company now posted at Fort Ontario, Niagara and Detroit, which General Monckton, by the advice of his Majesty's council a few days before his departure, directed to be continued on that service, I earnestly recommend you will grant the necessary supplies for raising, clothing and paying a body of forces, sufficient with the other troops to avert the dangers we fear, avenge the injuries we have received, and convince the savages of our ability to compel them to submission.[1]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The enemy have already infested the border of Orange and Ulster, and though I am confident of the spirit and activity of the militia, yet as this duty will soon be too severely felt, I assure myself you will enable me to ease them, and by the most vigorous resolutions in this important conjuncture, secure to yourselves the great advantages of a peace peculiarly calculated for the happiness of America.

CADWALLADER COLDEN.

Fort George, New York,
9th November, 1763.

The following is a copy of the letter from General Amherst mentioned in Lieutenant-Governor Colden's speech:

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1 An act passed December 13th, chap. 1210, provided for raising three hundred men for service in the Indian war, three hundred for guarding the western frontiers, and one hundred and seventy-three for frontier garrisons.

"New York, October 30, 1763.

Sir.—On a due consideration of the most probable measures for crushing the present insurrection of the Indians, and punishing the guilty as they deserve, I find it absolutely necessary to make application to the Provinces most nearly concerned, that a respectable body of men may be raised, so as to proceed early in the Spring, in conjunction with such regular troops as can be collected, to put in execution such offensive operations as may be judged most effectual for reducing the savages, and securing peace and quiet to the settlements hereafter.

I am in great hopes that the Provinces to the southward will cheerfully raise such quotas, as may be required of them, for reducing the Delawares, Shawanese, and other tribes on that side; and as I intend to assemble a respectable body of men early in the Spring at Niagara, for the punishment of the Seneca's, and other savages on Lake Erie, &c. who have so treacherously commenced and are now carrying on hostilities against us, I think it but reasonable that the Provinces of New York and New Jersey should contribute their shares towards a service of so much consequence to the future security of their respective inhabitants; and therefore I am now to lay before you a requisition which I am persuaded will not only meet with a proper reception from you, but that you will enforce the same to your Council and Assembly, backed with such arguments, (if any arguments can be necessary on such an occasion) as will at once remove every obstacle that could be started to a compliance therewith.

The proportion I must demand from your Province, is fourteen hundred men, exclusive of commissioned officers, twelve hundred to be divided in four corps of five companies each, commanded by a field officer, who may have the rank of major; and each company to consist of a captain and two subalterns and sixty men, including three ser-

geants and three corporals; the other two hundred to have a field officer, and to consist of four companies of fifty men each, with the commissioned and non-commissioned officers as above; for the service on which they will be employed, requires that there should be a good many officers. The men to be clothed but in a light manner; a cloth jacket, flannel waistcoat, leggins, &c. will be sufficient; and it will be necessary that the whole are raised, and ready to proceed to Albany by the first of March next.

But as the settlements on the Mohawk river are open to the enemy, and that it is not in my power at present, to spare regulars for their protection, so much as I wish to do, I must recommend it to you to use your influence with the Assembly to raise five companies, of the above mentioned quota with the utmost expedition, that they may be posted during the winter on the communication between Albany and Oswego, and be ready for any service they may be called for, which may be a great means of preventing any incursions that might be attempted by the savages, and give that confidence to the inhabitants which is so necessary to enable them to repel by force in case of an attack.

Particular care should be taken that in recruiting the men, none should be raised but such as are able bodied; neither too young, nor too old, but fit for the most active and alert service.

Although by an order from home, the regular troops are subject to a stoppage for the provisions issued to them belonging to the Crown, yet upon this occasion I will take upon me to order provisions to the Provincial Troops that shall be raised and take the field; and they shall likewise be provided with arms, unless any of them choose to bring their own arms, for which they shall have the same allowance as was made in former campaigns, should any of them be lost, or damaged in actual service. Tents will also be furnished to them as formerly.

The time of service may be limited to the first of November, although it is much to be hoped everything will be finished long before that period, in which case the men will be sent back to the Province.

I am with great regard, Sir, your most obedient humble servant,

JEFFERY AMHERST."

SPECIAL MESSAGES.

November 10. Transmitting letters from General Amherst, Sir William Johnson and sundry other papers relative to the Indian war. (See note 1.)

November 11. Thanking the Council for its address.

November 16. The Assembly presented an address to the Lieutenant-Governor, which after speaking of the benefits to be derived from the recent conquest of Canada, and the treaty of peace, says that these inestimable blessings had been ravished from the colony by a savage enemy. The address continues: "This colony alone, by the prudent measures it pursued, with very little assistance from the Crown, or the neighboring colonies, has maintained a friendly intercourse with the Six Nations, for near a century; from what causes the horror and desolation necessarily consequent to a general defection of those savages are now like to arise, it concerns us much to know, that an effectual remedy may be applied to so great an evil" and the Lieutenant-Governor was asked for full information on the subject.

The Lieutenant-Governor in his reply to the address, said he was unable to form any intelligent opinion concerning the defection among the Indians; that unacquainted with any just grounds of complaint they have against the Colony, he could only attribute it to that "spirit of cruelty and rapacity for which they have ever been distinguished." He said further that "to apply a remedy to so great an

evil, is become absolutely necessary. Sir Jeffery Amherst hath had better opportunities of being well informed, than any other person can have; hath wisely improved them to the best purposes; hath on all occasions, formed his plans with the greatest precaution, and they have been attended with glorious success; we have therefore great reason to confide in his judgment. No endeavors of mine shall be wanting to lessen the burthen of the expense on this Province; and it is with the greatest satisfaction I find in you, should the other colonies refuse their aid, a fixed resolution to exert yourselves to the utmost of your ability."

December 2. Transmitting several accounts of demands against the colony.

December 12. Transmitting accounts for services rendered by the first and second regiments of Ulster county in guarding the frontiers.

December 20. The Assembly adjourned to the 7th of February, 1764.

1764. APRIL. TWENTY-NINTH ASSEMBLY, SEVENTH SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

The Assembly met April 17, but a quorum did not appear until the 19th, at which time the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— Inconvenient as it must be to many of you, I should not have called you together at this season could I have taken upon myself to disband the guards upon the frontiers, for whom you have only provided to the first of next month.

Since your recess affairs with respect to the Indians

have taken a more favorable turn; several of the western tribes at Detroit, dispirited by the gallant and obstinate defence of that post, were intimidated to a submission while parties of the Six Confederate Nations now in general well affected in our interest, are actually gone to chastise the Delawares, and those other tribes who have committed such insolent ravages. I am confident that encouraged by the prospect of speedily terminating this destructive rupture, no efforts will be wanting on your part to promote that tranquillity which is so essential to your own welfare and the general prosperity of these colonies, and this will be most effectually done by showing ourselves prepared for all events.

GENTLEMEN OF THE GENERAL ASSEMBLY.—The Preservation of your frontier still requires your attention. I must also recommend your making provision for the company lately posted at Oswego, the General who considers this corps as destined to join the regular forces having desired that it may be completed and in readiness for immediate service.[1]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The troops being in motion, it is necessary that your resolutions be attended with dispatch that I may give the proper orders before it be too late to carry them into execution.

CADWALLADER COLDEN.

Fort George, New York,
19th April, 1764.

SPECIAL MESSAGES.

April 20 and 21. Thanking the Council and Assembly respectively for their addresses.

April 21. The Assembly adjourned to the 8th of May.

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[1] Provision was made for one hundred and eighty men for service against the enemy Indians, by an act passed April 21st, chap. 1237.

CADWALLADER COLDEN, Lieutenant-Governor.

The Assembly had been adjourned to the 8th of May, but did not meet until the 4th of September, and the next day the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—Desirous to consult your ease, I have called you together at a season represented to me as the most convenient for yourselves.

Your enabling me to place guards on the exposed parts of the frontier hath been attended with the most salutary effects; the people having remained entirely free from the incursions of the Indians, who seldom attack those they find prepared for defence.

With great satisfaction I congratulate you on the peace lately concluded with the several Indian nations at Niagara, through the ability, experience, and zealous efforts of Sir William Johnson. The army collected to chastise them while it facilitated this happy measure, must by impressing on the minds of the Indians a high sense of our power, render their submission more firm and lasting. It will give you peculiar pleasure to be informed that his Majesty graciously distinguishes and approves your conduct in providing for the troops now in your pay, who have greatly contributed towards the general service.

GENTLEMEN OF THE GENERAL ASSEMBLY.—With the support of his Majesty's government, I recommend the discharge of the public debts.[1] Emergencies often arise which

[1] An act for the support of government, chap. 1239, and an act to pay public debts, chap. 1246, were passed October 20th.

make it necessary to have recourse to private persons; public credit ought therefore inviolably to be preserved.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The law granting a bounty on hemp is expired without its intended effect. There are large tracts of land in this Province well adapted to the production of this valuable article, which by proper means may become a staple highly beneficial to us, and is an object so interesting to our mother country as to have received encouragement from the British Parliament. The farmers in general are ignorant both of its culture and preparation for manufacture. Rewards therefore are requisite to excite their attention and animate them to the pursuit of this important branch of husbandry. On the revival of the act, I hope all ranks in the mercantile as well as the landed interest will unite in promoting a design calculated for their common advantage, and eminently conducive to the prosperity of the colony.[2]

CADWALLADER COLDEN.

Fort George, New York,
5th September, 1764.

SPECIAL MESSAGES.

September 5. Thanking the Council for its address.

September 12. The Assembly presented to the Lieutenant-Governor an address, which among other things, referred as follows to the termination of the Indian war:

"Nor less do we receive from the information your Honor gives, that a peace is concluded with the several Nations of Indians at Niagara, through the ability, experience and zealous efforts of Sir William Johnson, and that it was facilitated by the army. This will free us we hope, from any further military expenses; leave us in a capacity

2 An act passed October 20th, chap. 1247, revived an act which provided for raising three thousand pounds by lottery to be expended in bounties to encourage the cultivation of hemp.

of discharging the many debts we have contracted during the war; and enable us to pay those taxes which the present and increasing scarcity of cash renders extremely burthensome."

The address contains the following significant allusions to conditions which presaged a coming storm:

"But nothing can add to the pleasure we receive from the information your Honor gives us, that his Majesty, our most gracious Sovereign, distinguishes and approves our conduct. When his service requires it, we shall ever be ready to exert ourselves, with loyalty, fidelity and zeal, and as we have always complied in the most dutiful manner with every requisition made by his directions, we with all humility hope that his Majesty, who, and whose ancestors, have long been the guardians of British liberty, will so protect us in our rights, as to prevent our falling into the abject state of being forever hereafter incapable of doing what can merit either his distinction or approbation. Such must be the deplorable state of that wretched people who (being taxed by a power subordinate to none, and in a great measure unacquainted with their circumstances) can call nothing their own. This we speak with the greatest deference to the wisdom and justice of the British Parliament, in which we confide.

Depressed with this prospect of inevitable ruin, by the alarming informations we have from home, neither we nor our constituents can attend to improvements, conducive either to the interests of our mother country or of this Colony. We shall however renew the act for granting a bounty on hemp, still hoping that a stop may be put to those measures, which if carried into execution, will oblige us to think, that nothing but extreme poverty can preserve us from the most insupportable bondage.

We hope you Honor will join with us in an endeavor to secure that great badge of English liberty, of being taxed only with our own consent, to which we conceive, all

his Majesty's subjects at home and abroad equally entitled; and also in pointing out to the ministry, the many mischiefs arising from the act commonly called the Sugar act, both to us and Great Britain."

September 17. The Lieutenant-Governor replied to the foregoing address as follows:

"As the most material parts of this address, cannot with any propriety be made to me, I shall transmit it to more proper judges of the sentiments you adopt.

When we consider the blood and treasure our mother country has poured forth in our defence, without which, in all probability this Province could not have maintained its being to this time, it should make us desirous to contribute everything in our power for her ease and benefit, and to express our sentiments in every instance, with gratitude and filial submission.

The method you now take is, in my opinion, improper; however I shall do nothing to prevent your making a representation of the State of this Colony, which you think best. May your proceedings tend to the benefit of the people you represent.

CADWALLADER COLDEN."

September 24. Transmitting several accounts of demands against the colony.

September 24. The Lieutenant-Governor sent to both Houses the following communication relative to the boundary line between New York, New Jersey and Massachusetts:

"The establishment of limits between his Majesty's colonies, being of the utmost importance to the quiet and tranquillity of his people, the Legislature of this and the Province of New Jersey, united in passing laws for defraying the expense that shall accrue in the final settlement of the line of partition between them; and I have the satisfaction to inform you that the Right Honorable the Lords

Commissioners for Trade and Plantations, have recommended those laws, as proper to be confirmed by his Majesty, and that the royal commission should issue in consequence thereof.

The desirable effects which must result from this salutary measure, call for the like provision on your part, in order finally to ascertain and determine the boundary between this Colony and the Province of the Massachusetts Bay, a matter long contested, and which has been productive of frequent riots and disorders, to the disturbance of the public peace and the injury of private property. I therefore earnestly recommend this as an object highly deserving your consideration.[3]

CADWALLADER COLDEN."

October 2. The Lieutenant-Governor sent to both Houses the following communication relative to Indian affairs:

"His Majesty thinking it just and reasonable, and essential to his interest, and the security of his Colonies, that the several Nations or Tribes of Indians who live under his protection should not be molested or disturbed in the possession of the lands, which have not been legally and without fraud purchased of them; and having declared his determined resolution to remove all reasonable cause of discontent which they entertain; I have received directions to inform you, of the great dissatisfaction and uneasiness expressed by the Mohawk Nation, on account of the patent, known by the name of Kayaderosseras, or Queensburgh; and to recommend to you, the passing a bill for vacating and annulling that grant.

The Indians disown the sale of those lands, and they have frequently been a subject of their complaint; indeed on

[3] An act, chap. 1250, was passed October 20th, to facilitate the settlement of a boundary between New York and Massachusetts.

comparing the grant with the Indian purchase the boundaries of the former appear to comprehend a far greater extent of country than by any construction can be included within the description in the Indian conveyance. The Mohawks, who it is well known never obstruct a settlement when the purchase is fair and regular, have not suffered any improvements to be made by the proprietors, and the tract, even to this day, remains in common and undivided.

With copies of the Letter Patent, and Indian purchase, I have ordered to be laid before you, the proceedings at a late conference with the Mohawks, which discover fresh complaints, and that while these people appeal to ourselves for a proof of their attachment, they reproach us with a delay of the justice due to them in return for their unshaken fidelity. I cannot therefore doubt your applying the most effectual remedy in a case wherein the Honor of the Crown, and the interest of the public are highly concerned.[4]

CADWALLADER COLDEN."

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4 On the 5th of October, the Assembly adopted the following memorandum concerning Indian lands and titles, and delivered it to the Lieutenant-Governor:

"First. That most, if not all the patents for lands in this Colony, were preceded by purchases from the Indian natives; the fairness and validity of which were trusted to the judgment of certain officers of the Crown, whose duty it was to attend to a proper examination, previous to the issuing of the royal grants.

"Secondly. That many of the ancient conveyances, and even patents themselves, through the infancy of the country, and the unacquaintedness of the first settlers with the English language, are darkly and imperfectly expressed; and that it is very common for the Indians to deny the sales of their ancestors, as well as their own, and renew their claims, to force repeated payments for the same lands, which his Majesty's subjects often submit to for peace sake.

"Thirdly. That it is impossible to discover the true owners of any lands, among unlettered barbarians, who keep no certain memorial, have very indistinct notions of private property, live by hunting, use no land marks, nor have any inclosures.

"Fourthly. That an easy attention to Indian claims of lands long since patented, has a natural tendency to excite new and repeated complaints, from a people who have rendered themselves indigent, and daily become more

October 18. The Assembly transmitted to its London agent three petitions for presentation respectively to the King, the Lords, and the Commons.

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and more necessitous by their sales, and the utter neglect of industry, both in the arts and agriculture.

"Fifthly. That in proceedings against ancient grants upon the pretence of fraud, after near sixty years have elapsed, the witnesses must be presumed to be dead, and the proofs weakened or lost.

"This House therefore, upon general principles (for they know nothing of the peculiar state of Kayadorossoras, other than that it is a large tract thinly settled because formerly much exposed to incursions from Crown Point) conceive it extremely dangerous at this late day, to enter into an inquiry, in which sufficient light probably cannot be obtained to direct a just and accurate determination, and that the precedent of annulling the Crown grant, impeaches the fidelity of the officers, with whom the power to grant lands has been intrusted, will render all property insecure; give the highest dissatisfaction to his Majesty's subjects, alarm their fears, and discourage the settlement, cultivation, and prosperity of the Colony.

"The House observes, that the vacating of the patent of Kayadorosseras, among others, was urged by Sir Charles Hardy, in a message of the 6th of July, and a speech on the 24th of September, 1756; and, again in another speech of the 16th of February, 1757, and that the then General Assembly, in their address of the 18th of the same month of February, informed his Excellency, 'That upon inquiry he would find the proprietors of large tracts on the frontiers had paid very considerable sums of money, first to the natives for their rights, afterwards to the Governors and officers of the government for fees attending the patents, frequently as much as the lands were worth, and that to deprive those people of their possessions, without a consideration, would be construed a proceeding harsh and dangerous.'

"And this House being well assured that those suggestions are true, find themselves constrained to adopt the same sentiments; and doubt not, but Sir William Johnson hath a sufficient influence, and by assigning the reasons aforementioned, will be able to render the Mohawks, who are the least populous, most easily managed, best affected, and most intelligent of all the Indians, perfectly easy; and perhaps the heirs and assigns of the patentees may, if called upon by the government, be able to supply such proofs of the extent and fairness of the purchase, as may facilitate such good endeavors on the part of Sir William Johnson to remove all ground of dissatisfaction among the Indians; a measure which the Honor of the Crown in the faith of the royal grants, and common justice seem to recommend, as previous to any other step, more threatening and detrimental to his Majesty's subjects claiming those lands; and who, at this day, are probably purchasers for large and valuable considerations, and will have much cause to complain, if instead of protection from the Legislature, they find the great power of the Colony, most unnaturally exerted to divest them of their property."

The petition to the King recites the establishment of a Colonial Legislature in 1683, in which was lodged particularly "the power of taxing its inhabitants for the support of government," and that the uninterrupted enjoyment of that constitution had continued to the present time. The petitioners further say:

"That under the influence of this happy imitation of the political frame of our Mother Country, we are, by the numerous emigrations from your Majesty's Kingdoms of Great Britain and Ireland, and the accession of foreign protestants, become a dominion filled with subjects, who esteem themselves happy in the firmest attachment to your royal person, family and government; the more happy, as under this allegiance, they have had the highest reason, from the hitherto uninterrupted enjoyment of their civil rights and liberties as individuals, to consider themselves, in a state of perfect equality with their fellow subjects in Great Britain, and as a political body, enjoying, like the inhabitants of that country, the exclusive right of taxing themselves; a right, which with the most profound submission be it spoken, whether inherent in the people, or sprung from any other cause, has received the royal sanction, is at the basis of our Colony State, and become venerable by long usage."

The petitioners say that they cannot "without the strongest demonstrations of grief, express their sentiments on the late intimation of a design to impose taxes on your Majesty's colonists by laws to be passed in Great Britain."

"That the power of taxing ourselves has been fundamentally interwoven in our constitution, we flatter ourselves will not be denied; that we have uninterruptedly enjoyed this power, the numerous acts we have passed for the support of government, in the enacting of which the Crown has always participated, will fully evince; and that we have not abused this power, our strenuous exertions, upon every

public emergency, will we humbly hope, most fully demonstrate. Many indeed are our testimonials on this subject, furnished by the speeches of our Governors, under your Majesty and your royal Ancestors, and recorded in our acts of Assembly, for a long and uninterrupted series of years."

"May we not therefore humbly hope, for your Majesty's royal approbation of our unwillingness to part with a right, which the authority of the Prince, in the infancy of this Colony, thought proper to put into its hands, as the birthright of the subject, a right which we have ever since undisturbedly possessed; a right to which even could it be forfeited by abuse, we have secured our title by the best improvement of it. May we not also, while the liberty of the subject has ever been the greatest glory, of the illustrious House of Hanover, with full assurance of acceptance lay at your Majesty's feet, our jealousies upon every invasion of our rights? We value ourselves in being the free subjects of a glorious Prince, who tenderly regards the liberties of his people, and who will ever maintain that excellent constitution, which with all others, that the wisdom of man has hitherto contrived, forbids, that any part of a community shall, as individuals, claim the right of taxing the whole. And these our jealousies we bring recommended with an argument which we trust will ever have the greatest weight with our sovereign.

For besides, that involuntary taxes and impositions, are absolutely and necessarily excluded from a State of liberty; that it would be the basest vassalage, to be taxed at the pleasure of a fellow subject; that all real property is lost, whensoever it becomes subordinate to laws, in the making of which, the proprietor does not participate; and that thus to treat us, would be to sink us into a subjugation, infinitely below the ignominious rank of the most tributary states; besides all this, we have the welfare of the Nation, that most powerful advocate with a wise King, to plead our

cause before your Majesty; and by this we are encouraged to observe,

That your Majesty's North American Colonies, in the extensive tract of country they contain, furnish room for an endless increase of inhabitants. And as numbers are the most athletic sinew of national power; the strength of Great Britain, which can never grow from this cause at home, must gain continual and never ending accessions in her colonies; that the consumption of British manufactures, originally made necessary by the nature of our climate, will continually increase with our numbers and by this means, the trade and maritime power of the Nation, will grow daily more dreaded, unrivalled and irresistible; and your Majesty and your royal descendants, become more conspicuously, as your Majesty in truth is, the most powerful Prince in Europe.

These, we presume, are the happy effects, which can flow only from the increase and prosperity of the colonies; and for which, the Mother Country, being long e'er now arrived at the fullest maturity, can afford no room.

But as liberty is at the bottom of all our enjoyments, as your Majesty's subjects can neither be happy nor rich, but in the independent fruition of their property; can your Majesty, we ask it with submission, conceive, that a discrimination of privileges between the Mother Country and the Colonies, will be attended with a consequence, less fatal than the decrease of the latter? While the subject, can under the nearer protection of the Crown, enjoy the largest portions of liberty, and the greatest accumulations of privileges that a free people can even wish for, the more inhospitable climes of America, more inhospitable for our vicinity to a barbarian, and irreconcilable foe, will furnish no temptations to emigrate. Actuated by the same principles, which will prevent all future emigrations, great numbers of our present inhabitants will transplant themselves into

the Mother Country, where they may enjoy their property with the fullest security, and a perfect equality with their fellow subjects. Thus will our Colonies decrease, and with them the strength, the glory, the lustre of the British Empire.

These, permit us, with the deepest concern for the honor of our King, and the prosperity of the Nation, to assure your Majesty, will be the fatal, yet unavoidable consequences, of a method of taxation for the Colonies, so inconsistent with the genius of the British Constitution, so destructive of that right of taxing ourselves, which in common with our fellow subjects in Great Britain, we have hitherto uninterruptedly enjoyed; and which, it is hoped, we may with the strictest justice say, have been secured against a forfeiture, as far as the most invaluable rights can, by the best improvement of them, be secured.

May we not therefore, most gracious Sovereign, with a measure of confidence hope, that an evil, so great, so extensive, will by your Majesty's wise and princely interposition be prevented? An evil, which no instance in the whole tenor of our conduct, can possibly make necessary; for what period, we ask it with all humility, can be assigned, in which even our backwardness, much less our refusal, to exercise the right of taxation, for the benefit of ourselves, or the national weal was manifested? We have ever been a people, zealous for the honor of our sovereign, sanguine in the public cause, ready to strain every nerve upon every occasion; we have supported the whole weight of savage and Canadian fury, for near a century; been as liberal of our blood, as our treasure; and even anticipated the demands of our sovereign, on every occasion of public emergency. So conspicuous indeed, was our willingness to exercise this invaluable right in the national cause, that at a juncture, when a failure of the military chest, suspended your Majesty's important operations, for the conquest of

Canada (the most luminous event, that ever adorned the page of English history) your Majesty's Commander-in-Chief betook himself to the Legislature of this Colony, for relief. And on that momentous occasion, how cheerfully did they load the Colony with a sum, immensely beyond the abilities of a poor people to bear, upon no other security for a reimbursement than the merit of the service.

Next to the right of taxing ourselves, for the support of your Majesty's Government, we beg leave, humbly, to recommend to the gracious consideration of our Sovereign, the present ruinous State of our commerce. If the trade of Great Britain is her chief glory, if she is to excel her neighbors in commercial arts, we speak from our present woeful experience, the prosperity of our trade, is absolutely necessary for the support of hers. This country can, at best, afford a very incompetent supply of immediate remittances, for those prodigious quantities of her manufactures, which we daily consume. Our staple is calculated, principally, for the West India markets; and their produce is the best return we can possibly make for her commodities. And as our Communication with the foreign islands, would, besides a vent for our own staple, open a wide door for the sale of British manufactures, the trade of Great Britain, would by this means, be immensely increased; while on the other hand, your Majesty's sugar colonies, afford a very inadequate market for British wares, and the staple of our country; and by such a restriction, our trade, and of course the trade of Great Britain, is reduced to the most scanty limits. It is therefore with a concern, that equally embraces our Mother Country, as well as our Colony interests, that we received the late act of Parliament, by which all commercial intercourse between these Colonies, and the foreign West India settlements is at an end; the duties thereby imposed being equal to a prohibition. And we have too great reason, from the present decay of our commerce to

conclude, that this measure, which can only be serviceable to a very inconsiderable part of the British empire, will be attended with consequences, destructive to the general interest, of your Majesty's realm and dominions.

Our demands for linen manufactures, which till the passing of the late act, we have been permitted freely to supply by importations from your Majesty's kingdom of Ireland, must remain, in a great measure, unsatisfied, by the prohibition laid on our exportation of lumber to that kingdom. As we humbly conceive, that no national advantage can arise from this restriction, we flatter ourselves with the hopes of your Majesty's most gracious and powerful interposition in this instance for our relief.

It is with the deepest distress, that our duty to our constituents, constrains us to observe to our Prince, that this, and many others of the acts of trade, have diverted the public stream of justice, from their ancient course. The wisdom of our ancestors shines in nothing more brightly, than in the institution of juries, for the decision of all controversies, that concern the lives, liberties, and property of the subject; and if we are emboldened with equal earnestness and humility, to supplicate your Majesty's royal favor and countenance, in this important point, we have that conspicuous tenderness for the rights of the subject, which is one of the most distinguished graces of your Majesty's illustrious House, to plead our excuse. Your Majesty's unexampled goodness will, therefore, pardon the bitterness of our grief, at the gradual, though not the less dangerous diminution, of this ancient badge of English liberty. For though we could, with the most becoming alacrity, submit our lives and property, and what we hold dearer than both, that inestimable liberty with which our ancestors have set us free, to your Majesty's royal clemency, and princely discretion, yet the unavoidable delegations of the royal authority, which necessarily expose us

to the rapacious designs of wicked men, leave us neither rest nor security, while a custom house officer may wantonly seize what a judge of your Majesty's court of vice admiralty may condemn in his discretion; or at best restore to the honest proprietor without the possibility of a restitution for the injury. Shall we not therefore be allowed, with the most lowly reverence, and upon the arms of the most firm and unshaken fidelity, to tender our humble petitions to the throne, that this great, this growing, this mighty evil may be removed from among us?

Permit us, most gracious Sovereign, to observe on the want of a paper currency, as the last, though not the least evil, to which the colonies are unhappily made subject, by an act of Parliament lately passed for that purpose. Our commerce affords us so small a return of specie, that without a paper currency, supported on the credit of the colony, our trade, and the commutation of property, must necessarily fail. The want of money will disable us to pay our internal taxes, and effectually prevent our exertions in the common cause, even on the most interesting, and alarming occasions. In the use of this means for supplying our political wants, we have been continually indulged, ever since the reign of your Majesty's glorious predecessor, King William the Third. And what use we have made of it, we appeal to past occurrences for proof; your Majesty's poor subjects in the colonies are unable to bear the weight of a heavy, and immediate tax; and no other expedient can possibly be devised, to acquit them in the discharge of public duties in momentous and pressing occasions, than an emission of paper money, to be sunk at a distant, though certain period, by taxes gradually and annually imposed. Had the immense sums this loyal colony has contributed, to promote your Majesty's service, during the late war, been immediately imposed, besides the absolute impossibility of supplying them, the whole colony must have sunk

under so intolerable a burden. Had we then been deprived of this easy method of raising a sum for immediate use, we should have lost the opportunity of testifying our love and loyalty to our Sovereign, when his General made requisition of the prodigious sum of one hundred and fifty thousand pounds, without which, the important operations of the most eventful campaign must at least unavoidably have stagnated, if not miscarried. These, Sire, were the good uses that we made of this political engine; and we may safely defy the world, to produce an instance, in which, by neglecting to sink our emissions of paper currency, in due season, we suffered it either to depreciate, or fall into discredit. May the consideration of our past faithful services, and a sincere tender of our readiness, on all future occasions have their proper weight with your Majesty; and produce a repeal of that law, which has deprived this people, of the most effectual means to demonstrate their fidelity and affection to their Prince.

These, may it please your Majesty, are the important points upon which your faithful representatives for your loyal Colony of New York, have in behalf of their constituents, and with the most humble submission, presumed to approach the throne; assuring your Majesty, that one of the principal blessings they have to expect, from a continuance of their exclusive right to tax themselves, the restoration and extension of their Commerce, the execution of law, in the ancient and ordinary method and the continuance of their bills of credit, will be their capacity to do the most faithful and ready services to their King and Country upon every occasion.

The inhabitants of this your Majesty's loyal Colony of New York, have the highest sense of the wisdom, justice, integrity and impartiality of both your Majesty's Houses of Parliament; and are therefore fully convinced, that measures so destructive of our, and the public emolument,

must be grounded on the misrepresentations of those, who, by opposing the interests of the Colonies, strike at the well-being of the Nation in general. It is extremely difficult, for those highly honorable Houses, at so great a distance, to preserve from pollution the channel of intelligence. But your Majesty, being representatively present, by your Governors and Councils, who, doubtless, will be ready, to give the truest intelligence, when commanded by their sovereign, may, by this infallible method, discover our truly deplorable circumstances; and provide such redress for this, and your other loyal and distressed North American colonies, as to your Majesty, in your princely wisdom and goodness, shall seem meet.

That Almighty God, in whose hand are the hearts of Princes, may direct the counsels of our most gracious Sovereign, for the welfare, even of his most distant subjects; that the imperial diadem of Great Britain may sit long and easy on his royal head; that he may be conspicuously blest, among the Princes of the earth, in his sacred person, illustrious family, and auspicious government; that the British sceptre may never depart from his august House, nor his faithful subjects, throughout his extensive kingdoms and dominions, want hearts, on every occasion, to testify the most unshaken fidelity, the most ardent affection, and the most cheerful and unreserved obedience, to a Prince of his royal lineage, while the Sun and Moon endure are the sincere, the ardent, the unremitted prayers, of your Majesty's most dutiful, most loyal, and most devoted subjects, the representatives of your Majesty's Colony of New York."

The petition to the House of Lords contains a vigorous protest against the policy of colonial taxation, and declares that a "constitution, in which one part of his Majesty's subjects, are forever to be taxed by another, which so absolutely challenges that right, as not to suffer the least altera-

tion in the laws proposed for that purpose, is such a system of government as was never adopted by any people, hath not its parallel in the whole compass of history, nor perhaps ever entered into the imagination of any political writer. It is the most unequal constitution that ever existed; and no human foresight or contrivance can prevent its infallible advances to, and its final consummation in the most intolerable oppression. For all taxes being paid with reluctance, and every man willing to alleviate the burden, it is natural to suppose, that whoever has the uncontrollable right of imposing them, will bear no part of them himself, as long as they can possibly be laid on others. If such therefore be our constitution, it must follow, that the whole burden of the government, as fast as it can be transferred, will be thrown on the subjects in America; while all the advantages of it remain to those of Great Britain; and a future House of Commons, not possessed of that love of justice and liberty, which so eminently distinguishes the present, will wanton in our spoils. Reasoning thus from the nature of mankind in general, and without designing the least reflection on any particulars, we humbly presume, our freedom will not be thought to merit the censure of a British House of Peers, the constant guardians of liberty, and the invariable irreconcilable foes to every species of bondage.

Having thus shown, as we humbly conceive, with the greatest submission, to your superior wisdom, that a government so constituted must necessarily degenerate into a tyranny; we beg leave to observe that the claim of an exemption from being taxed by the supreme legislative power, is far from involving in it the notion of an independency. For the experience of near a century, has fully evinced, that our subjection to Great Britain, and her laws, and our strenuous efforts upon every public emergency, have not been the less conspicuous under an immunity from taxes imposed by a British Parliament."

"We have by improving a country inhabited only by savages, and far remote from our native soil, greatly extended the Dominions and trade of Great Britain; and will undoubtedly, if not checked by a new model of our Constitution, and an abridgment of the essential and fundamental rights of Englishmen, continue the augmentation of both, till she shall equal the greatest empire recorded in the annals of fame."

Other portions of this petition repeat in various forms the arguments already quoted from the petition to the King.

The petition to the House of Commons presents substantially the same arguments. After referring to the organization of the legislative system in 1683, the petition says that under this "political frame, the colony was settled by Protestant emigrants from several parts of Europe, and more especially from Great Britain and Ireland; and as it was originally modeled with the intervention of the Crown, and not excepted to by the realm of England before, nor by Great Britain since the Union, the planters and settlers conceived the strongest hopes that the Colony had gained a civil constitution, which, so far at least as the rights and privileges of the people were concerned, would remain permanent, and be transmitted to their latest posterity."

The petitioners urged on behalf of the colony, "An exemption from the burthen of all taxes not granted by themselves," and protested against "the tragical consequences" of an adoption of a contrary principle.

"Had the freedom from all taxes not granted by ourselves been enjoyed as a privilege, we are confident the wisdom and justice of the British Parliament, would rather establish than destroy it, unless by our abuse of it, the forfeiture was justly incurred; but his Majesty's Colony of New York cannot only defy the whole world to impeach their fidelity, but appeal to all the records of their past transactions, as well for the fullest proof of their steady

affection to the Mother Country, as for their strenuous efforts to support the Government and advance the general interest of the whole British Empire.

It has been their particular misfortune, to be always most exposed to the incursions of the Canadians, and the more barbarous irruptions of the savages of the desert, as may appear by all the maps of this country; and in many wars we have suffered an immense loss both of blood and treasure to repel the foe, and maintain a valuable dependency upon the British Crown."

"An exemption from the burthen of ungranted, involuntary taxes, must be the grand principle of every free State. Without such a right vested in themselves, exclusive of all others, there can be no liberty, no happiness, nor security; it is inseparable from the very idea of property, for who can call that his own, which may be taken away at the pleasure of another?"

The Assembly denied that it claimed this exemption from taxation as a privilege, but founded it on a "basis more honorable, solid and stable; they challenge it, and glory in it as their right. That right their ancestors enjoyed in Great Britain and Ireland; their descendants returning to those kingdoms enjoy it again." "No history can furnish an instance of a constitution to permit one part of a dominion to be taxed by another, and that too in effect, but by a branch of that other part, who in all bills for public aids, suffer not the least alteration." [Referring to the power of the House of Commons over money bills.] "The authority of the Parliament of Great Britain to model the trade of the whole empire so as to subserve the interest of her own, we are ready to recognize in the most extensive and positive terms."

After discussing some other subjects which have already been considered, the petition says:

"Therefore, the General Assembly of New York, in

fidelity to their constituents, cannot but express the most earnest supplication that the Parliament will charge our commerce with no other duties than a necessary regard to the particular trade of Great Britain evidently demands; but leave it to the legislative power of the Colony, to impose all other burthens upon its own people, which the public exigencies may require."

October 20. The Assembly adjourned to the 20th of November.

1765. NOVEMBER. TWENTY-NINTH ASSEMBLY, NINTH SESSION.

Sir HENRY MOORE, Governor.

October 20, 1764, the Assembly was adjourned to the 20th of November, but it did not meet until November 12, 1765. July 19, 1765, Sir Henry Moore, Bart., was appointed Governor to succeed Governor Monckton. Governor Moore arrived in New York on the 13th of November, immediately took the oath, published his commission and received the seals of office from Lieutenant-Governor Colden. The Assembly which was then in session was informed by the Speaker that Governor Moore suggested an adjournment to the 19th instant, so that he might refresh himself after the fatigue of his voyage. The Assembly was accordingly adjourned to the 19th, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— His Majesty having been pleased to appoint me his Governor-in-Chief of this Province, I have given you the earliest opportunity after my arrival, of making that provision for the exigencies of the government

which the expiration of your annual laws and the public service in general may require;[1] and am fully persuaded that your attention to the welfare of this Province will induce you to take into your serious consideration the various plans which have at different times been proposed for the encouragement of the American colonies by extending the different branches of their commerce, which if properly attended to cannot fail of becoming a lasting source of wealth, not only to yourselves, but to your mother country.

Gentlemen of the General Assembly.—After the necessary supplies of the government are provided, I beg leave to recommend to you the case of the unhappy sufferers by the late fire at Montreal. Their distresses plead loudly for them, and render an application in their behalf highly proper, as private contributions bear so small a proportion to the relief required in so general a calamity.[2]

Gentlemen of the Council and Gentlemen of the General Assembly.—I flatter myself that your zeal for his Majesty's service and the good of your country will engage you to carry on your session with the unanimity becoming your station and the purposes for which you are convened. Let these great objects be ever present before you, and have such influence on your conduct as not to be undeserving of that protection which has been extended by our most gracious sovereign to his most distant subjects. My ready concurrence shall never be wanting in every measure consistent with the King's instructions, which can tend to promote the interests of this Province, and I shall be extremely happy to have it in my power, as much as it is in my inclina-

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1 An act for the support of government, chap. 1273, was passed December 23d.

2 The Assembly in its address to the Governor, presented November 27th, said that owing to the scarcity of cash, it was impracticable to make a contribution for the relief of the sufferers by the Montreal fire.

tion, to make it the most flourishing part of his Majesty's dominions in America.

HENRY MOORE.

Council Chamber New York
19th Novr 1765.

SPECIAL MESSAGES.

November 26. Thanking the Council for a congratulatory address, the Governor said: "The powerful example of unanimity in the legislative bodies, cannot fail of making favorable impressions on the minds of the people, and will of course be productive of measures, which, at the same time they constitute the public tranquillity and happiness, will carry their own recommendation to the protection of our most gracious Sovereign."

November 27. Thanking the Assembly for its address the Governor said:

"I flatter myself that the constant attention of the General Assembly of this Province to his Majesty's service and the good of their country, will make their constituents truly sensible of the advantages they enjoy under our present happy establishment, and engage them to merit, by examples of duty and loyalty, the continuation of that protection they have already experienced from a Prince who, since his accession to the throne, has added to his other great titles, that of Father of his people."

December 3. The Governor sent the following message to the Assembly:

"The expense of furnishing the King's troops in America with quarters, carriages, and other necessaries, being by an act passed the last session of Parliament, to be defrayed by the respective colonies, the Commander-in-Chief of his Majesty's forces hath in consequence thereof, demanded of this Province that provision which the act requires, for the troops at any time quartered within, or

marching through it. As you will be best able to judge of the nature of this provision by the law itself, and the General's letter to me, I have ordered copies of both, with the return of the forces, to be laid before you; and I flatter myself that you will cheerfully and readily comply with what is expected of the Colony.[3]

H. MOORE."

The same message was sent to the Council on the 9th. December 23. The Assembly adjourned to March 4, 1766.

PROTEST AGAINST PARLIAMENTARY ENCROACHMENTS ON COLONIAL RIGHTS.

An account has already been given of the petition of October 18, 1764, presented by the Assembly to the King, the Lords and the Commons, relative to certain encroachments on colonial rights. Consideration of the subject was renewed at this session, and on the 11th of December, 1765, the Assembly sent another petition to the King, and similar petitions to the House of Lords and the House of Commons. The petition to the King repeated in substance, but with much less detail, the petition presented in the previous year, asserting the rights and privileges which the colonists enjoyed as British subjects, and denying the right of one part of the Nation to tax another part without its consent. The Assembly protested against the recent admiralty

[3] December 13th the Assembly adopted resolutions, declaring that where the King's troops had been quartered in barracks belonging to the King, they had always been furnished with the necessaries required to be provided by the act of Parliament mentioned in the Governor's message, without any expense to the countries in which they were quartered; that the barracks in New York and Albany were already sufficient to accommodate double the number of troops contained in the return referred to in the foregoing message; and that if "any expense should be necessary for quartering troops on their march, and supplying them with what is required by the aforesaid act, the House ought to consider thereof after the expense is incurred."

acts, which deprived citizens of the right of trial by jury in several classes of actions which had previously been tried in courts of law. It also protested against the stamp act, which by its operation deprived the colony of the right to determine what and how much should be granted by taxation for the King's revenue, and that while the colony was deprived of this ancient constitutional right, it was "bereft of the pride and glory of English subjects, rendered despicable in the eyes of the King, and of the world, being mere tenants at the will of the King's subjects in Britain."

The petitioners therefore prayed for a "confirmation of the right to trials by their peers, and the exclusive right of giving to the Crown all necessary aids, raised in this colony, either by duties or taxes."

December 18th the Assembly unanimously adopted a series of resolutions on the same general subject, declaring

That the colonists owed the same faith and allegiance to the King as his subjects in Great Britain.

"That they owe obedience to all acts of Parliament not inconsistent with the essential rights and liberties of Englishmen, and are entitled to the same rights and liberties which his Majesty's English subjects both within and without the realm have ever enjoyed."

That the King's subjects in Great Britain are chiefly secured in their privileges by "an exemption from taxes not of their own grant, and their right to trials by their peers."

That the colonists did not forfeit their rights by their emigration.

That the recent admiralty acts deprived citizens of the right of trial by jury.

That the stamp act not only exposed the American colonists to an "intolerable inconvenience and expense by compelling them to a defense at a great distance from home;

but by imposing a "tax, utterly deprives them of the essential right of being the sole disposers of their own property."

"That all aids to the Crown in Great Britain are gifts of the people by their representatives in Parliament, as appears from the preamble of every money bill, in which the Commons are said to give and grant to his Majesty."

That it was inconsistent with the Constitution to suppose that Parliament had power, without divesting the inhabitants of the Colony of their most essential rights, to "grant to the Crown their, or any part of their estates for any purpose whatsoever."

"That from the first settlement of the Colonies, it has been the sense of the government at home, that such grants could not be constitutionally made; and therefore applications for the support of government and other public exigencies, have always been made to the representatives of the people of this colony; and frequently, during the late war, by immediate orders from the Crown."

That if the colonists should be deprived of the right of self taxation, they would suffer the great disadvantage of being placed practically at the mercy of the people of Great Britain.

That the inequality of grants made by the several colonies could not justify acts depriving the colonists of their essential rights.

"That it is the duty of every friend of Great Britain and this colony to cultivate a hearty union between them."

That an assertion by Parliament of the right to tax the colonies, even if exercised in the mildest manner, would weaken the affection of the colonies for the mother country.

That a denial of the right of self taxation by the colonies was not necessary to keep them in due subjection and dependence upon Great Britain.

That the tax on commerce lately imposed by Parliament was grievous, "and in the apprehension of this House impossible to be paid," that trade with the West Indies had already become seriously impaired, and the colonists were therefore unable to purchase the manufactures of Great Britain.

Governor Moore in letters to the home government, written during the winter of 1765–6, which may be found in the Colonial Documents, volume 7, page 802, et seq., describes the commotion in New York caused by the news of the stamp act, and mentions particularly the fact that on the 23d of October, 1765, a vessel had arrived at New York having on board a quantity of stamped papers, for use in New York and Connecticut, which "in the following night were forcibly taken out of the ship and destroyed," and said the act could not be enforced without military assistance.

1766. JUNE. TWENTY-NINTH ASSEMBLY, TENTH SESSION.

Sir HENRY MOORE, Governor.

The Assembly met June 11th, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The general satisfaction which has been diffused throughout the colonies on the late favorable proceedings of the Parliament of Great Britain in the repeal of the Stamp act, and the impressions made on the minds of the people on receiving such distinguishing marks of his Majesty's favor and protection, have induced me to give you the earliest opportunity of making those acknowl-

edgments of duty and submission which on such an occasion must arise in the breasts of every individual. The misrepresentations heretofore made by artful and designing persons have had their effect in imposing on the weak and credulous, and false hopes and fears are now conceived by those who from their situation can only see and hear at a distance, and of course are easily imposed on. Let it be your concern to undeceive the deluded, and by the powerful examples of your own conduct, bring back to a sense of their duty, those who have been misled, that nothing which can carry with it the least resemblance of former heat and prejudice may be suffered to prevail, and the minds of those who are too easily agitated be again disposed to a cheerful obedience to the laws and to sentiments of respectful gratitude to the mother country.

Gentlemen of the General Assembly.— I must at this time recommend to your particular attention the case of those unfortunate persons who from the licentiousness of the populace, have suffered for their deference to the acts of the British Legislature. I flatter myself that they who sue to this House for justice will never sue in vain, and that it will be no ungrateful task for this Province to take the lead on such an occasion, and by making a full and ample compensation to the sufferers for their goods and effects destroyed, show to the neighboring Provinces by an example great as well as just, the sense which is here entertained of the benefits lately received. The resolutions of the House of Commons have by his Majesty's commands been transmitted to me in order to be laid before you. These sufficiently show the sense of that august Assembly on this point, whose sentiments it should be your glory to adopt and imitate, as they are so evidently founded on the clearest principles of humanity and justice. This carries its own recommendation with it, and makes it needless for me to enforce by arguments a measure which at the same

time it will do honor to the Province, will show yourselves not unworthy of that royal condescension and protection which have been manifested on the late interesting occasion.[1]

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— I have nothing more in particular to lay before you at this juncture, and shall be extremely happy to show my ready concurrence with you in promoting every measure which can tend to the service of his Majesty, and the welfare of the People.

H. MOORE.

New York 12th June 1766.

SPECIAL MESSAGES.

June 13. The Governor sent the following communication to the Assembly:

"A return of his Majesty's forces under orders of march for this City having been sent to me by his Excellency General Gage, I take the earliest opportunity of laying it before you, and hope you will give the necessary directions that sufficient quarters, bedding, utensils, &c., may be provided for the reception of the officers and soldiers, specified in the said return, agreeable to the act of Parliament.

H. MOORE."

June 19th, the Assembly, considering this requisition, adopted a series of resolutions declaring that the Colony had always responded to requisitions made by the King; that this requisition was of such a nature that if granted the expense might and probably would very soon exceed the ability of the Colony to pay, for the reason that the number of troops for which similar requisitions might be made, was unknown; that the articles required were for the most part unprecedented; that the requisition would

[1] For note on stamp act, see post p. 710.

amount at least to three pence per day for each private man, exclusive of beds and bedding; that the Colony, on a proper requisition for that purpose, "should be at the expense of furnishing barracks, bedding, utensils for dressing victuals and firewood and candles for a proportionable part of the troops with the rest of the Colonies," which was all that could be reasonably requested of this colony; that the King's service could not suffer by the Assembly's non-compliance with the requisition, for the reason that they had already subsisted very well without any such provision; and if that was not the case, the sum of three thousand nine hundred ninety pounds was still in the Colonial treasury subject to the order of the Commander-in-Chief, to be used according to his discretion.

These resolutions were communicated to the Governor, who replied on the 20th of June, transmitting an extract of a letter from the Commander-in-Chief, in which he said he understood that the three thousand nine hundred ninety pounds referred to in the resolutions, had been left in the treasury by General Amherst to be returned to the Province as the service of the public did not require it to be drawn, but that it could be used under the present requisition if desired by the Assembly. The General inquired whether the Assembly intended to have this sum used for the purpose of indemnifying the magistrates for the expenses of quartering soldiers under the act of Parliament. The Governor, therefore, requested information as to the conditions on which the Assembly intended to permit the Commander-in-Chief to draw on the fund mentioned.

June 23. The Assembly acting on the Governor's second message, and the communication from the Commander-in-Chief, adopted a resolution that "provision should be made for furnishing the barracks in the cities of New York and Albany with beds, bedding, fire wood and candles, and utensils for dressing of victuals, for two battalions,

not exceeding five hundred men each, and one company of artillery for one year," and that the expense thereof be paid from the above mentioned fund now in the treasury, remaining from a former appropriation to the Commander-in-Chief for his Majesty's service.[2]

June 16. Thanking the Council for its address.

June 17. The Assembly presented an address, expressing special gratification that Parliament, which was described as "the grand legislature of the Nation," had repealed the stamp act, and renewing their assurances of loyalty to the home government.

Governor Moore, thanking the Assembly for this address, said he hoped that those who had the prosperity of the country at heart would not neglect the present favorable opportunity to promote whatever might be necessary towards the settling, on a lasting foundation, the mutual interests of Great Britain and her Colonies.

June 24. Governor Moore joined the Council and Assembly in an address to the King, expressing their gratitude for the repeal of the stamp act, and assuring him of their most devoted loyalty.

June 24. Recommending the payment of expenses incurred in drilling the cannon on the batteries, which he found spiked on his arrival in the colony.[3]

July 2. The Assembly was prorogued to October 7.

THE STAMP ACT.

The stamp act, which was passed in 1765, was repealed early in the year 1766. In New York the act encountered great opposition, which was especially manifested by riotous proceedings on the 1st of November, 1765, which Lieu-

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[2] This action of the Assembly was embodied in an act, chap. 1296, passed July 3d. This act was vetoed by the King April 13, 1767.

[3] An appropriation for unspiking the guns at the battery was made by an act, chap. 1301, passed December 19.

tenant-Governor Colden, the acting Governor, in a letter to Secretary Conway, bearing date November 5, (Col. Doc. Vol. 7, p. 771), describes as follows:

"In a day or two after the date of my letter of the 26th of last month which I had the honor to write to you, the packages of stamped papers were landed from His Majesty's ship Garland at noonday without a guard or the least appearance of discontent among the people. This gave me great hopes that I should be able to deliver up the administration of government to Sir Henry Moore, as I had informed you I had much at heart to do.

But on the evening of the first day of this month the mob began to collect together, and after it became dark they came up to the Fort Gate with a great number of torches, and a scaffold on which two images were placed, one to represent the Governor in his gray hairs, and the other the Devil by his side. This scaffold with the images was brought within 8 or 10 feet of the Gate with the grossest ribaldry from the mob. As they went from the gate they broke open my coach house, took my chariot out of it and carried it round the town with the images, and returned to the Fort Gate, from whence they carried them to an open place, where they had erected a gibbet, within 100 yards of the Fort Gate and there hung up the images. After hanging some time they were burnt in a fire prepared for the purpose, together with my chariot, a single horse chair and two sledges, our usual carriages when snow is on the ground, which they took out of my coach house. While this was doing a great number of gentlemen of the town if they can be called so, stood around to observe the outrage on their King's Governor. The garrison was at the same time on the ramparts with preparation sufficient to destroy them, but not a single return in words or otherwise was made from any man in the Fort, while this egregious insult was performing."

Mr. Colden said that a great part of the mob consisted of men who had been privateers or disbanded soldiers. The Lieutenant-Governor also referred to Major James of the Royal Artillery, who was in command at the Fort, and said

the same mob "broke open his house, burnt all his furniture, wearing clothes, and everything in it to a great value, at the same time threatening to take away his life in the most shameful manner." Major James sailed from New York for England on the 9th of November, carrying an account of the recent troubles. Mr. Colden describes him as a "humane and benevolent man" who had not given the least cause "for this savage resentment."

The news of the recent occurrences in New York evidently made a deep impression in England. It seemed clear that the new Parliamentary policy concerning the colonies and their relations to the home government would meet with a most formidable resistance. The House of Commons took up the matter, and the stamp act was not only repealed, but on the 24th of February, 1766, the House adopted a series of resolutions declaring, among other things, that the King, by and with the advice of Parliament, had power to make laws and statutes of sufficient force and validity in all cases to bind British subjects and Colonies in America; that recent tumults and insurrections in the Colonies had been greatly countenanced and inflamed by votes and resolutions passed by several colonial assemblies, which tended to destroy or impair the authority of Parliament; that persons in the Colonies, who had suffered damages in consequence of their compliance with acts of Parliament ought to "have full and ample compensation made to them for the same, by the respective colonies in which such injuries or damages were sustained;" that all loyal subjects in the Colonies should and would receive the protection of the House of Commons; and that persons unable to procure stamped paper in the Colonies be indemnified from all penalties and forfeitures incurred by using unstamped paper. Similar action was taken by the House of Lords.

The Assembly, acting on the Governor's recommendation, passed an act, chapter 1302, on the 19th of December, 1766, making compensation for losses sustained in the New York riot of November 1, 1765, and for similar losses occurring near Albany on the 6th of January, 1766. The preamble recited the troubles, which have already been noted, the action of Parliament in recommending indemnity to sufferers therefrom, and that the Legislature was "desirous to draw a veil over those heats and disturbances," and closed with assurances of loyalty to the King, and of a due regard to the recommendation of Parliament. The act contained an appropriation for Major James of one thousand seven hundred forty-five pounds, fifteen shillings, two pence half penny, and appropriations for other persons amounting to about five hundred eighty pounds. The act did not impose a tax, but directed that the appropriations be paid from the sum recently received from Pennsylvania on account of an over payment to that Colony from the grant made by Parliament in aid of the Colonies in connection with the French war. Lieutenant-Governor Colden's claim was ignored, and in one of his letters, he notes the fact that the resolution to pay Major James was passed by only one vote. By an act passed June 6, 1767, chapter 1320, an appropriation was made for losses sustained by Captain Philip Martin in the house of Major James on the 1st of November, 1765.

1766. NOVEMBER. TWENTY-NINTH ASSEMBLY, ELEVENTH SESSION.

Sir HENRY MOORE, Governor.

The Assembly met November 10, and on the same day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The meeting of the General Assembly has been delayed beyond the usual time, as I was in daily expectation of receiving his Majesty's commands, in regard to an humble representation made of the distress in which this colony would shortly be involved, through the want of a sufficient paper currency, and it is with the greatest satisfaction that I can open this session with a fresh instance of his Majesty's paternal regard and protection, extended to this Province, who has been graciously pleased under certain restrictions, to revoke that instruction by which the Commander-in-Chief here was precluded from giving his assent to any act which should be framed for striking bills of credit, and issuing the same in lieu of money. The royal attention so constantly paid to the sufferings of the people, and the late examples given of it, are such signal instances of his Majesty's condescension and tenderness for their interests as cannot fail of exciting the warmest sentiments of gratitude in the minds of every subject, and be productive of the highest returns of duty and submission.

GENTLEMEN OF THE GENERAL ASSEMBLY.—The great expense in which this colony has been engaged for some time past, and the difficulties which still subsist in regard to limits between this and the neighboring Provinces of Massachusetts and the Jerseys, have engaged me to ascer-

tain as soon as possible, the line which his Majesty has been pleased to fix by his Royal proclamation for the boundary between this Province and Quebec. And after the necessary supplies of government are raised,[1] I must recommend it to the General Assembly to make provision for the farther opening and continuing this line, in which I flatter myself that the Province of Quebec equally interested in it will readily contribute as a mutual benefit will be derived from it. I must at the same time earnestly request that proper measures may be taken to settle the boundaries between the different counties in this Province, and fix them by authority. The want of a due attention to so necessary a service has already given rise to many inconveniences, and the continual scenes of litigation and disorder, occasioned by vague and undetermined limits, call for redress in the strongest terms.

Gentlemen of the Council and Gentlemen of the General Assembly.—I shall during the course of your session take opportunities of laying before you some matters which have occurred to me during the late tour I made, and recommending to your consideration whatever may be conducive to the public service, as I am fully persuaded that the legislative bodies will cheerfully co-operate with me in whatever can be proposed for his Majesty's service and the good of their country.

H. MOORE.

New York 10 November 1766.

SPECIAL MESSAGES.

November 11. Governor Moore transmitted to the Assembly a copy of an additional instruction received from the King, revoking the twentieth paragraph of the general instructions which limited the Governor's power to assent

[1] The usual act for the support of government, chap. 1300, was passed December 19th.

to laws providing for the issue of bills of credit. The instruction called attention to the fact that the bills of credit then in circulation would expire in 1768, and the Governor was therefore authorized to give his assent, subject to royal approval, to acts providing for the issue of new bills of credit in an amount not exceeding two hundred and sixty thousand pounds, not to run more than five years, and that adequate provision be made for a sinking fund for the redemption of such bills.

November 14. Thanking the Council and the Assembly for their addresses.

November 17. The Governor sent a communication to the Assembly relative to the act of Parliament providing for quartering the King's troops in the colony, which has already been considered in notes to the proceedings of the Assembly at the last session. The communication included a letter from Lord Shelburne, Secretary of State, in substance expressing the King's disapproval of the act passed at the last session to furnish barracks and other supplies for the King's troops, declaring among other things that "it is the indispensable duty of his subjects in America to obey the acts of the Legislature of Great Britain," and expressing the hope that the Assembly would immediately comply with the act of Parliament.

The Assembly presented an address to the Governor on the 18th of December, relative to the question of quartering soldiers under the act of Parliament, declaring its inability to comply with the requisition beyond the provision already made by an act passed at the previous session, which already imposed burdens too great for the Colony to bear; that by a proper construction of the act of Parliament, the duty of quartering soldiers only applied while the troops were on the march, and that it ought not to be construed to include quartering under other circumstances.

The Governor, replying to this address on the 18th of

December, expressed his regret that there should be any difference of opinion between the executive and the Assembly on a matter of such importance, and assured the Assembly that he would transmit the address to the Secretary of State.

November 24. Recommending that provision be made for the reimbursement of the city of New York for advances for expenses incurred in quartering the King's troops.

December 8. Presenting accounts for expenses incurred for repairs on the house at the fort, and recommending their payment.[2]

December 8. Recommending that provision be made for expenses incurred by two regiments of regular troops in suppressing riots and disorders in the counties of Dutchess and Albany.

December 19. The Assembly adjourned to the 10th of March, 1767.

1767. MAY. TWENTY-NINTH ASSEMBLY, TWELFTH SESSION.

Sir HENRY MOORE, Governor.

The Assembly met on the 27th of May, at which time the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The difficulties under which this Province has labored in respect to its eastern boundaries, and the differences in which it has been engaged in conse-

2 Provision for payment of the accounts for repairs of the Governor's house at the fort was made by the "salaries and services" act, chapter 1301, passed December 19th.

quence thereof with the Province of Massachusetts Bay, having been laid before the King, I am directed by his Majesty's principal Secretary of State to recommend to you that a speedy and amicable adjustment of these disputes may take place, and the most effectual method pursued for settling every difference, relative to the boundaries of the respective colonies, by commissaries appointed from each of them for that purpose.[1]

In a concern of so public a nature, I flatter myself that nothing will be neglected by you which can tend to the bringing this affair to a happy conclusion, and that you will proceed without delay to the nomination of commissaries on the part of this government whose knowledge and abilities may recommend them as proper arbitrators in a case of such importance, and whose moderation may give them such weight among those appointed to act with them that from their example no means may be left untried for surmounting any difficulties which may occasionally arise.

The preservation of the public tranquillity, and the protection of private property, are so far the objects of this negotiation as to demand your most serious attention. A generous manner of acting together with proper concessions made on both sides, cannot fail of obtaining the desired success on this occasion, and rendering your endeavors highly acceptable to both Provinces, as all cause of future dissension between them may thereby be effectually removed.

GENTLEMEN OF THE GENERAL ASSEMBLY.—As the act for providing fuel, barracks, etc., for his Majesty's troops now quartered in this city will expire in a few days, I am

[1] An act passed June 6th, chap. 1321, appointed commissaries to act for New York in conjunction with commissaries appointed for Massachusetts Bay in settling the boundary between the two Colonies. Another act was passed February 3, 1768, chap. 1347, to expedite the settlement of the controversy between these two colonies as to the boundary line.

now to recommend a farther provision for them, and on the plan prescribed by the act of Parliament. I am fully persuaded that on a due consideration, the impropriety of the limitations in the act of Assembly passed last year will sufficiently appear, and that this House will with cheerfulness provide for the troops in the manner now expected from them, nor suffer either an ill-timed parsimony or injudicious restriction to cast such a reflection on their proceedings as can any way be construed to represent them as undeserving the favors they have received from the Crown.[2]

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The inconveniences which must attend a long session at this season of the year will naturally induce you to proceed to business with dispatch, and I shall be happy in having an opportunity of showing my readiness to join with you in whatever can promote his Majesty's service, or contribute to the good of the Province.

H. MOORE.

New York, 27th May, 1767.

SPECIAL MESSAGES.

May 28 and June 3. Thanking the Council and Assembly respectively for their addresses.

June 5. Transmitting an account presented by Col. Bradstreet for services rendered for the colony.[3]

June 6. The Assembly was prorogued to the 11th of August.

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2 An act passed June 6, 1767, chap. 1320, appropriated three thousand pounds for furnishing necessaries for the King's troops.

3 On the 30th of December, 1767, the Assembly adopted resolutions reciting several appropriations for military expenses in 1763 and afterwards, giving in detail the action of the Legislature in providing for large numbers of men for the service, with amounts appropriated at different times, and expressing the opinion that Col. Bradstreet's men were not raised on the credit of any vote of the Assembly or law of the colony, that all the men actually raised had been paid by agents of the colony, and that the colony was under no obligation to pay Col. Bradstreet's demand.

1767. NOVEMBER. TWENTY-NINTH ASSEMBLY, THIRTEENTH SESSION.

Sir HENRY MOORE, Governor.

The Assembly met November 17, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The sanguine expectations so lately raised here of seeing our disputes with the Province of the Massachusetts Bay in regard to boundaries, brought to a speedy determination, are hitherto disappointed; and notwithstanding the well known abilities of the commissaries employed in this service, it will appear from their report that a negotiation of so much consequence to both Provinces, and from which the advantages to be derived were mutual, had not been attended with the wished for success. But as their near approach to an agreement seems to point out that the difficulties still subsisting are by no means of such a nature as to preclude all expectations of being removed, I must recommend it to you that such steps may now be taken as you shall think most conducive to so good a purpose, and that your ready concurrence may not be wanting in every just and reasonable measure for bringing this matter to a desirable issue.[1]

[1] See special message of February 3, 1768. The Assembly adopted resolutions on the 27th of November, 1767, while considering the Governor's speech, asserting the claim of New York to all territory west of Connecticut river, expressing a willingness to yield some part of this territory, but that negotiations apparently could not be consummated for the reason that the Legislature of Massachusetts had not conferred on its commissaries full power to act without subsequent ratification by the Legislature.

On the 5th of February, 1768, the Assembly considered the Massachusetts resolutions communicated by the special message of February 3d, and declined to accept the proposals therein contained, not only because it was

In the meantime the particular situation of that part of the country chiefly interested in the event of this dispute will require your serious attention, and it is hoped that nothing will be omitted on your part to discourage and prevent the renewal of those disorders which so lately prevailed there to the ruin of individuals and the disgrace of government.

GENTLEMEN OF THE GENERAL ASSEMBLY.—In laying before you the act passed in the last session of Parliament, relative to the legislature of this Province and transmitted to me by his Majesty's principal Secretary of State, I cannot harbor the least doubt but that the prudent conduct of this House will render the provisions contained in it unnecessary, and that their zeal for his Majesty's service and attachment to his government will always engage them to entertain a due sense of the blessings which they enjoy under his protection and the influence of the British constitution.[2]

I must again repeat what I urged in a former session concerning the vague and undetermined boundaries of the

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unwilling to adopt the twenty mile boundary, but also because of the Massachusetts claim affecting territory west of New York.

The positive action taken by the Legislature at this session was represented by chap. 1347, passed February 3, 1768, which appointed William Smith, Jr., John Morin Scott, and James Duane, commissioners to prepare a narrative of all the facts relating to the contested boundary between New York and Massachusetts, to be presented to the Governor, Council and Assembly.

2 This law, enacted at the last session of Parliament, prohibited the New York Legislature from passing or assenting to any act of Assembly, vote or resolution for any other purpose until provision should have been made for furnishing the King's troops with all the necessaries required by law. The Legislature had substantially yielded to the demand made by the former act of Parliament relative to quartering soldiers by the enactment of chapter 1320, passed June 6, 1767, appropriating three thousand pounds for this purpose, and there seems to have been a complete surrender at this session, for the first act, which was passed on the 21st of December, chap. 1323, appropriated fifteen hundred pounds for quartering the King's troops.

different counties of this Province, and the necessity of making a proper provision for ascertaining them. A very essential service will thereby be rendered to the country by preventing those scenes of litigation which so impede the present settling of those parts, and of course must in time be productive of the greatest mischiefs.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—As his Majesty's service and the benefit of the Province will be concerned in whatever I may have to lay before you during the course of your session, I flatter myself not only of having your assistance in points of such importance to this community, but that it will be granted with cheerfulness, unanimity and dispatch.

H. MOORE.

New York, 18th November, 1767.

SPECIAL MESSAGES.

November 23. Thanking the Council and Assembly for their addresses.

December 3. Transmitting the King's veto of the act passed July 3, 1766, chapter 1296, providing for barracks for the King's troops at New York and Albany, and also of an act erecting the county of Cumberland passed July 3, 1766, chapter 1297.

December 14. Approving the appointment of Abraham Lott as treasurer of the Colony.

1768. February 3. Transmitting resolutions adopted by the Legislature of Massachusetts relative to the settlement of the boundary line between New York and Massachusetts, ratifying proposals made by the Massachusetts Commissaries to fix the eastern boundary, which would necessarily become the western boundary of Massachusetts as a "straight line to be drawn northerly from a point on the southern line of the Massachusetts Bay, twenty miles distant, due east from Hudson's River, to another point

twenty miles distant, due east from the said river on the line which divides the Province of Massachusetts Bay from New Hampshire;" which twenty mile line was to be horizontal and not measured according to the surface of the earth; "providing that nothing shall be understood to prejudice the right of this Province to lands westward of the Province of New York." (See note 1.)

February 6. The Assembly was dissolved.

1768. OCTOBER. THIRTIETH ASSEMBLY, FIRST SESSION.

Sir HENRY MOORE, Governor.

The writs for the election of this Assembly were made returnable March 22, but the session did not begin until October 27. The next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—No immediate service of the Province having required my convening you upon the return of the writs for the late election I have delayed your meeting till the usual season of passing the annual bills to avoid the inconveniences attending a session in the summer months.

It is with great satisfaction that I can now lay before you a report of the Lords Commissioners for Trade and Plantations, in consequence of which his Majesty has been pleased to direct that the regulation of the trade with the Indians shall for the future be left with the colonies, as the importance of such a concern to them must necessarily engage their respective legislatures, in the pursuit of measures best calculated to answer the purpose of his Majesty's gracious condescension in committing this valuable branch of commerce to their management.

GENTLEMEN OF THE GENERAL ASSEMBLY.—The advantages arising not only from the intercourse of trade with the Indians but from the maintenance of that tranquillity among them which subsists at present are so obvious as to require no argument to enforce them. I shall therefore only recommend to you that to avoid any future cause of dissatisfaction or jealousy being given, you will by the most effectual laws prevent any settlements being made beyond the line which shall be agreed on by the Indians, punish all frauds and abuses which may be practised by the traders among them, and at the same time pay a due regard to that freedom of trade which his Majesty has graciously granted to all his subjects by his proclamation in the year 1763.[1]

As I presume that such parts of the late plan pursued by the superintendents of Indian affairs as have operated to the benefit of trade and given satisfaction to the Indians will be adopted by you as far as circumstances and situations will admit; these shall be laid before you, to gether with the reduction of such posts as the Commander-in-Chief of his Majesty's forces has thought proper to make in consequence of the orders he has received for that purpose, that you may be better enabled to regulate the execution of such plans as you shall think most conducive to the public benefit.

The accounts which are directed to be delivered in to you by the barrack master will show that the greatest economy has been observed in issuing the sums granted for the support of his Majesty's troops here, and that a particular at-

1 December 31, 1768, the Assembly adopted resolutions making provision for establishing a line recently agreed upon between Sir William Johnson and the Indians, and also appointing a committee to inquire and report to the Assembly at its next meeting "what regulations may be proper for this House to enter into with respect to the Indian trade." See also Special Message of December 6.

tention has been given to the interest of the Province as well as to his Majesty's service on this occasion.[2]

I am extremely concerned to be under a necessity of mentioning to you the distresses to which the unhappy sufferers at Montreal have been again reduced from a second calamity by fire. The sentiments of humanity which misfortunes of this kind naturally excite will I hope plead for them, and I should with pleasure see an example showed to the rest of the colonies by a generous and suitable relief granted to objects whose present situation can be more easily imagined than described.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—I flatter myself that a just sense of the advantages to be derived to the public from your unanimity and dispatch of business will have a due influence on your proceedings during the course of the session, and you may be assured of my ready concurrence with you in every measure which may be proposed for his Majesty's service and the welfare of the Province.

H. MOORE.

New York, 28th October, 1768.

SPECIAL MESSAGES.

November 1 and 3. Thanking the Council and Assembly respectively for their addresses.

November 9. Recommending an additional appropriation for quartering the King's troops. (See note 2.)

November 21. The Governor sent the following communication to the Assembly:

"Some intimations have been given to the mayor and magistrates of this city, in the course of the week before last, of a design to disturb the public peace by a riot, the zeal showed by them on this occasion, together with the

2 An additional appropriation of eighteen hundred pounds for quartering the King's troops was made by an act, chap. 1356, passed December 31, 1768.

laudable declaration of the inhabitants, of their willingness to assist and support them, in maintaining the tranquillity of the city, gave me hopes that nothing of so illegal and dangerous a tendency would be attempted. A few ill-disposed persons have, nevertheless, eluded the vigilance of the magistrates, and ventured to execute their purpose, by exciting a riot last Monday evening. As these turbulent proceedings, at a juncture so peculiarly critical, may occasion imputations injurious to the colony, I have requested the magistrates to exert themselves for the discovery of the rioters, and with the unanimous advice of his Majesty's council, issued a proclamation, offering a reward of fifty pounds to be paid upon the conviction of the contrivers and chief promoters of this outrage. And as I have no doubt of your readiness to prevent the mischiefs of a measure, daring and insolent in itself, previously disavowed by the inhabitants, and seemingly calculated to insult the several branches of the legislature now sitting, I flatter myself you will concur with me in the necessary steps to prevent the colony from suffering any detriment, and by making a proper provision to enable me to fulfill the engagements I have entered into for this service.

HENRY MOORE."

On the 22d of November, the Assembly adopted a resolution to provide for the payment of the reward offered by the Governor for the discovery of the "contrivers and chief promoters" of the riot, and in response to his message, the Assembly presented an address to the Governor on the 24th, assuring him of the Assembly's loyalty to the government and of its desire and intention to take all practicable measures to maintain law and order in the Colony. The Governor, thanking the Assembly for the address said: "The assurances now given me of your readiness to support the dignity and authority of government,

cannot fail of being attended with the most favorable consequences to the Colony, and render abortive any future attempt to disturb the public tranquillity."

December 6. The Governor sent the following communication to the Assembly:

"I take the earliest opportunity of laying before you a copy of the deed of cession, made to his Majesty, by the Indians, at the late congress held at Fort Stanwix; together with the draft of that part of the country through which the boundary line, now established between this Province and the Indians, will pass, the enclosed extract from the proceedings on this occasion, will show what is now expected from us; and I am persuaded that nothing will be omitted by the legislature of this Colony to secure to the Indians all the rights they have reserved to the eastward of the line, and to merit their confidence, by making proper laws for their protection, and for the due carrying on the trade among them. The orders and regulations transmitted by the Secretary of State to Sir William Johnson, superintendent of Indian Affairs, are now likewise laid before you, together with his remarks and observations on them, confirmed by a long experience in matters of this kind; and I earnestly recommend this valuable branch of commerce to the attention of the House, as it cannot fail, when properly conducted, of proving so beneficial to the community. (See note 1.)

H. MOORE."

December 16. The improvement of inland navigation by means of a canal around the falls of Canajoharie on the Mohawk River was recommended by the Governor in the following communication to the Assembly:

"While the attention of the House of Assembly is employed in forming new regulations for the Indian trade, it may not be thought improper to lay before them any pro-

posal which can give assistance to the operation of their plans, and by removing the difficulties which particularly affect that branch of commerce, enlarge the advantages proposed to the Province.

"It has been observed, by all who are concerned in the Indian trade, that the great inconvenience and delay, together with the expense attending the transport of goods, at the Carrying Places, have considerably diminished the profits of the trader, and called for the aid of the Legislature, which, if not timely exerted in their behalf, the commerce with the interior parts of the country may be diverted into such channels, as to deprive this colony of every advantage which could arise from it. The obstruction of the navigation of the Mohawk River, between Schenectady and Fort Stanwix, occasioned by the falls of Canajoharie, has been constantly complained of, though it is obvious to all who have been conversant in matters of this kind, that the difficulty is easily to be removed by sluices, upon the plan of those in the great canal of Languedoc, in France, which was made to open communication between the Atlantic Ocean and the Mediterranean. The opportunity I had in my tour last summer, of examining this Carrying Place, and of measuring the falls, has engaged me to recommend to the House of Assembly the improvement of our inland navigation as a matter of the greatest consequence to the Province, and worthy of their serious consideration.

H. MOORE."

December 24. Transmitting and recommending the favorable consideration of an account presented by Lieutenant-Governor Colden for losses suffered during the riot of November 1, 1765, and also for unpaid salary as acting Governor.[3]

[3] The Assembly seems to have ignored the Lieutenant-Governor's claim for damages caused by the riot, but the salaries act, chap. 1358, passed December 31, 1768, contained an appropriation for his salary while acting as Governor immediately prior to the arrival of Governor Moore.

December 30. Recommending an additional allowance to the Attorney-General for expenses incurred by him in criminal prosecutions.[4]

1769. January 2. The Governor, having convened the Council and Assembly in joint session, delivered the following speech to the Assemby:

"The address presented to me on the 23d of November last, in answer to my message concerning the riot which was insolently attempted in this city, since the meeting of the house of Assembly, gave me the most sanguine expectations that the present session would have terminated with honor to yourselves, and real benefit to your constituents. The general abhorrence without doors of all immoderate measures, confirmed me in these sentiments, and it is with the utmost concern I am now under the painful necessity of expressing myself in terms, as painful and disagreeable to me, as they possibly can be to the house.

The extraordinary nature of certain resolves lately entered on your journals, some flatly repugnant to the laws of Great Britain, and others with an apparent tendency to give offence, where common prudence would avoid it, have put it out of my power to continue this Assembly any longer.[5] I observe by your journals that you have prepared

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4 The salaries act, chap. 1358, contained an appropriation of one hundred and fifty pounds for the Attorney-General for extraordinary expenses.

5 The Assembly records show that a petition or "representation" concerning Colonial affairs was prepared by the Assembly, and on the 17th of December ordered to be transmitted to its London agent to be presented to the King and both houses of Parliament.

The petition to the King denied that the people had any inclination toward independence, but considered the union of the Colony with, "and dependence upon Great Britain as the most durable source of their security and happiness," and most cheerfully submitted to the "authority of Parliament in making laws for preserving a necessary subordination." But they did not concede the "power of imposing taxes upon them without their consent," essential to that salutary purpose, and the people believed that they did not arrogate to themselves "any unconstitutional right, by claiming the privilege of being exempted from all taxes, but those that are laid upon them by their

representations of the state of the Colony to be presented to his Majesty; claims that respect the supremacy of Great Britain are of so important and delicate a nature, that every motive of duty and interest urges you, at this critical juncture, to avoid offence, and conciliate a favorable audience to your petitions; from the late assurances you gave me, I hope they are expressed in such terms of decency and respect as may recommend them to the royal ear, and merit the attention of the Parliament.

For my own part, I have steadily aimed at and shall still continue my endeavors to promote the prosperity of the

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own representatives." The petition protested against recent acts of Parliament imposing duties on the Colonies for the purpose of raising revenue for the home government as "subversive of the constitutional rights" of the people, "because as they neither are, nor from their peculiar circumstances can be, represented in that august Assembly, their property is granted away by your Majesty's Commons in Great Britain without their consent." The petition also protested against the recent act of Parliament suspending the legislative power of the representatives of the colony.

On the 31st of December, the Assembly adopted a series of resolutions on the same general subject, asserting that the Assembly had the same constitutional right as the House of Commons to present petitions to the King "for constitutional benefits and redress of grievances."

That New York "lawfully and constitutionally has and enjoys an internal Legislature of its own, in which the Crown, and the people of this Colony are constitutionally represented; and that the power and authority of the said Legislature cannot lawfully or constitutionally be suspended, abridged, abrogated or annulled by any power, authority or prerogative whatsoever, the prerogative of the Crown ordinarily exercised for prorogations and dissolutions only excepted."

That the Assembly "has an undoubted right to correspond and consult with any of the neighboring Colonies, or with any other of his Majesty's subjects out of this Colony, or belonging to any part of his Majesty's realm or dominions, either individually or collectively, on any matter, subject or thing whatsoever, whereby they shall conceive the rights, liberties or privileges of this House or of its constituents are or may be affected."

But the Assembly, by a vote of six to seventeen, rejected the following proposed addition to the last resolution:

"And, therefore, that the act of Parliament suspending the Legislature of this Colony, is a high infringement of the freedom of the inhabitants of this Colony, and tends to deprive them of their natural and constitutional rights and privileges."

colony; and I cannot help lamenting that you have suffered an intemperate heat so far to prevail in your house that my duty forbids me to countenance your present conduct; for after you had once resolved to lay your case before his Majesty, it must evidently appear that the measures you have since pursued were not only unnecessary, but in the present exigency of affairs dangerous to the colony.

I still entertain so good an opinion of the house in general that I am willing to impute these proceedings to error; and shall, in my representations of them to his Majesty, place them in the properest light to prevent, as far as lays in my power, any unfavorable misconceptions of the people committed to my care, and do that justice which is required at my hands to the many who have the real interest of the country at heart, and who have wished to see the fairer prospects of advantage derived to the community from your session, than the conclusion of it seems to promise. I do now, in his Majesty's name, dissolve this Assembly; and this Assembly is hereby dissolved accordingly.

H. MOORE."

January 2. The Assembly was dissolved.

1769. APRIL. THIRTY-FIRST ASSEMBLY, FIRST SESSION.

Sir HENRY MOORE, Governor.

Writs of election for this Assembly were made returnable February 14, 1769, but the session did not begin until the 4th of April, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— The services for the current year having in a great measure been provided for, I shall avoid

laying before you anything which might prolong your session at this inconvenient season, and confine myself entirely to such matters as will require your immediate attention.

The present method of appointing an agent to solicit the affairs of this colony in England being liable to many objections, I have it in command to recommend to you the rule observed in the West India Islands, Virginia, Carolina and Georgia as the only proper and constitutional mode by which any person can be sufficiently authorized to represent the Province and to act for it in all matters which concern its interest in general. This has been usually done by an act of the Governor, Council and Assembly, specially passed for that purpose, which practice has been formerly adopted here.

A regulation of this kind so evidently appears to be calculated for the public benefit as to require nothing farther to be said in support of it, and a deviation from the mode approved of in other colonies, may in future create great difficulty and disappointment in transacting the affairs of this Province both in office and Parliament.

GENTLEMEN OF THE GENERAL ASSEMBLY.— By the barrack master's accounts, which I have directed to be laid before you, it will appear that the greatest part of the sum granted in the last session for the support of his Majesty's troops in this Province was employed in paying off a considerable arrearage due to several persons for necessaries furnished by them some time before the commencement of the session in which that appropriation was made. This obliges me to lay the present deficiency before you, and to recommend such additional provision to be made as may be adequate to the service required.[1]

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— Whatever you may have to propose

[1] An act, chapter 1386, passed May 20th, made a further appropriation of eighteen hundred pounds for quartering the King's troops.

during the course of your session for the public benefit, will always meet with the readiest concurrence on my part, and I shall be happy to co-operate with you in every measure for promoting his Majesty's service and the advantage of the Province.

H. MOORE.

SPECIAL MESSAGES.

April 5. Transmitting to the Assembly a letter from General Gage, relative to trade with the Indians, and recommending its early consideration.[2]

April 5. Thanking the Council for its address.

April 11. Thanking the Assembly for its address, the Governor said he had represented to the King's ministers the distresses the Colony labored under in consequence of the scarcity of paper currency, and that he would communicate the first orders he received empowering him to alleviate them.

May 17. The Governor sent the following communication to the Assembly:

"A subscription having been very lately set on foot for building an hospital in this city, it has already been attended with so much success from the general approbation of so humane and benevolent a design, as to afford the fairest prospect of carrying it into execution. As the contributions of individuals alone will be inadequate to the plan proposed of rendering it beneficial to the whole Province, I beg leave to recommend this useful undertaking to the consideration of the House of Assembly, and hope that the advantage to be derived from it, not only to the city, but to the colony in general, may appear in such a light as to be thought a proper object of the attention and encouragement of the Legislature.

H. MOORE."

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2 The Assembly by a resolution adopted May 19th, made provision for an interpreter and two smiths at Niagara and Detroit, until the following first of January, and authorized the expenditure of not more than one hundred and fifty pounds by the Governor for this purpose.

The Assembly adopted a resolution on the 19th, postponing action on the hospital matter until the next meeting.

May 20. The Assembly was prorogued to the 6th of July.

1769. NOVEMBER. THIRTY-FIRST ASSEMBLY, SECOND SESSION.

CADWALLADER COLDEN, Lieutenant-Governor.

The Assembly had been adjourned to the 6th of July, but did not meet until the 21st of November. Governor Moore died on the 11th of September, and on the 13th Lieutenant-Governor Colden again assumed the executive office. On the 22d of November, he delivered in the presence of both Houses the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The loss which the Province sustains in the death of the Governor-in-Chief would be most sensibly felt by me was I not confident of your ready assistance and support in every measure calculated for the honor and interest of the Province.

There is now the greatest probability that the late duties imposed by the authority of Parliament, which have operated so much to the dissatisfaction of the colonies in general, will be taken off in the ensuing session. The prospect of this desirable event as it evinces the most favorable disposition in the parent kingdom, must afford you the highest satisfaction. And I trust that your proceedings in the present critical juncture will be conducted with such temper, moderation and wisdom as will manifest your zeal to promote the re-establishment of that mutual confidence and affection on which the glory and safety of the British empire depend.

His Majesty having been pleased to direct that the regulation of the trade with the Indian nations shall for the future be left to his colonies, I hope that the consideration of this important object in which you have already made some progress, will be resumed in the course of the session, and a law passed effectually to answer his Majesty's gracious intentions, by establishing such equitable regulations as may tend to the improvement of our commercial advantages, and to preserve the friendship and conciliate the affection of the natives so essential at all times to the tranquillity of the frontiers and the prosperity of the colony.[1]

GENTLEMEN OF THE GENERAL ASSEMBLY.—By the accounts to be laid before you it will appear that the moneys appropriated for furnishing his Majesty's troops with necessaries have been wholly expended, and a large arrear incurred. My duty therefore obliges me with the other supplies usually granted at this season to recommend a farther provision for this necessary service.[2]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—The great desire I have to promote by every means in my power the welfare and happiness of the people of this Province, will lead me cheerfully to adopt every measure advancive of his Majesty's service, and beneficial to the

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1 November 30, 1769, the Assembly adopted resolutions expressing the opinion that no law could be passed by New York that would fully regulate the Indian trade, without the harmonious co-operation of other Colonies, and that a law should be passed providing for the appointment of commissioners to confer with commissioners of other Colonies on this subject. An act, chap. 1431, was passed on the 27th of January, 1770, appointing commissioners to meet with commissioners who are or may be appointed by the neighboring Colonies to fix on a general plan for the regulation of the Indian trade.

2 An act passed January 5, 1770, chap. 1422, appropriated two thousand pounds for quartering the King's troops.

public, and whatever you shall propose conducive to these salutary purposes you may be assured will meet with my ready concurrence.

CADWALLADER COLDEN.

New York November 22d 1769.

SPECIAL MESSAGES.

November 25 and 29. Thanking the Council and Assembly respectively for their addresses.

1770. January 10. Transmitting accounts presented for materials furnished and labor performed at Fort George,[3] and also for expenses incurred in quartering the King's troops.

January 27. The Assembly was prorogued to the 13th of March.

1770. DECEMBER. THIRTY-FIRST ASSEMBLY, THIRD SESSION.

EARL OF DUNMORE (JOHN MURRAY), Governor.

The Assembly had been prorogued to the 13th of March, 1770, but it did not meet until the 11th of December. January 2, 1770, John Murray, Earl of Dunmore, was appointed Governor. He arrived in New York on the 18th of October, and the next day took the oath of office and published his commission with the usual ceremonies. At the opening of this session on the 11th of December, he delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—When his Majesty was pleased to confer on me a govern-

[3] The claims for repairs at Fort George were paid by appropriations included in the salaries act, chap. 1427, passed January 27, 1770.

ment in this country, it filled me with the highest satisfaction, and I esteem myself peculiarly fortunate in having been appointed to the command of this Province, whose example has been the happy means of renewing that mutual intercourse between the Mother Country and her colonies, which is so much the interest of both to preserve uninterrupted. This salutary reconciliation effected by the people of this Province cannot fail of endearing them in a particular manner to our most gracious sovereign.

The violent proceedings of the Spaniards in dispossessing (in time of profound peace) his Majesty's subjects of their settlement at Fort Egmont in Falkland's Island, and the considerable naval armaments which we hear are prepared in consequence by his Majesty's orders, give us sufficient reason to apprehend that war may be the result. If this should happen, I have the strongest assurances that the security of this part of his Majesty's dominions will be a principal object of his care and attention. Yet it is incumbent on us to consider what may be necessary for its protection against the sudden attempts of an enemy.

GENTLEMEN OF THE GENERAL ASSEMBLY.— You cannot be too early in your deliberations upon making provision for those exigencies in case our apprehensions should be verified.

I have nothing more at this time to recommend to you but the supplies for his Majesty's troops [1] and the necessary support of government.[2]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— The favorable opinion I have conceived of this colony as well as my duty to his Majesty, will make me always solicitous to contribute whatever my authority, my credit

1 An act, chap. 1474, passed February 16, 1771, appropriated two thousand pounds for quartering the King's troops.

2 The usual act for the support of government, chap. 1465, was passed December 22, 1770.

or my abilities can furnish to promote the welfare thereof; the highest pleasure I can enjoy will be faithfully to represent to his Majesty the zeal and unanimity of his subjects in it, and my greatest ambition to possess the esteem and affection of the people of this Province.

DUNMORE.

SPECIAL MESSAGES.

December 14 and 19. Thanking the Council and Assembly respectively for their addresses.

1771. January 18. Informing the Assembly that he could not accept a salary voted by it, for the reason that his salary was payable out of the royal treasury.

January 21. The Governor sent the following message to the Assembly relative to trade with the Indians:

"After his Majesty had thought fit to leave it to his colonies to make such regulations concerning the Indian commerce as they should judge proper, there was reason to hope that a matter on which their interest and safety so much depend would have been an immediate object of their serious deliberation; but as nothing effectual appears yet to have been done, and the Indians, you will perceive by the papers now laid before you, have in the strongest manner expressed their impatience under the abuses to which they are constantly exposed. His Majesty considering how earnest they have been in their complaints, and the consequences likely to happen if they are not redressed, has been pleased to declare his pleasure that this important concern should be again recommended to the respective legislatures; and it is with the firmest reliance on your readiness to promote what is so essential to the prosperity of the colony that I now, in obedience to his Majesty's commands, urge you to fall upon some means of putting Indian affairs

under such regulations as may prevent all frauds and abuses in trade, and those violences and encroachments of which they complain.[3]

DUNMORE."

January 23. Recommending certain repairs to the Governor's house and additional barrack rooms.

February 13. Recommending that measures be taken to ascertain the boundary line between New York and Quebec which had been fixed by Governor Moore at forty-five degrees north latitude to the Connecticut River.[4]

March 4. The Assembly was prorogued to the 11th instant.

1772. JANUARY. THIRTY-FIRST ASSEMBLY, FOURTH SESSION.

WILLIAM TRYON, Governor.

January 19, 1771, William Tryon was appointed Governor of New York. He had previously been Governor of North Carolina. He arrived in New York on the 7th of July, 1771, and the next day received his commission and

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[3] Replying to this communication, the Assembly presented an address to the Governor on the 15th of February, informing him of the passage of a law on the 27th of January, 1770, appointing commissioners to confer with commissioners from other Colonies on the subject of Indian trade; that only commissioners from New York and Virginia met at the time appointed, but they agreed to meet again at a time and place to be fixed by the Governors of the Colonies; that the Assembly at the present session had directed the preparation of a bill "for this necessary service," but the business to be conducted by New York alone was of such a delicate character, that the Assembly might not be able to pass the bill at that session, more especially because it was necessary to obtain information concerning regulations then practiced in the Indian country; and the address assured the Governor that the matter would receive prompt and careful attention.

[4] The Assembly adopted a resolution February 14th, recommending that New York bear one-half of the expense of determining the Quebec boundary line, and that one hundred and fifty pounds be appropriated for that purpose.

instructions from Governor Dunmore. On the 9th, Governor Tryon took the oath of office and published his commission. On the 7th of August, the Governor submitted to the Council the question whether the Assembly should be continued or dissolved, and the Council unanimously voted to continue the Assembly.

The fourth session opened January 7, 1772, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— While I reflect on the important duties attendant on the elevated station in which it has graciously pleased my royal master to place me, and that I have the honor to succeed the noble personage who so justly merited the high applause he received from a grateful people, my heart is filled with every sensible anxiety, but when I review the honorable and affectionate addresses presented to me on my arrival, my spirits are cheered with the most pleasing expectations; that these may be realized I am now to entreat the aid of your united and generous efforts in support of an administration which can be only successful in proportion to the assistance I receive from you.

Through the extensive benificence of my sovereign, unsolicited and unexpected, I appear in the rank I now stand before you. Finding my own health and that of my family greatly impaired by a southern climate, I had requested and actually obtained the King's leave to return to my native country; soon after which three weighty objects presented themselves to my view. The distractions of the Province I was in, my appointment to this government, and the regard due to a family oppressed with sickness: on the one side the support of a people, friends to the laws, attached to the constitution and loyal to their Prince, was

offered me to suppress an insurrection that had even subverted their civil liberties; on the other my inclination led me to accept the more friendly invitation to this happy climate where I expected to reap those benefits which my family have since in a great measure experienced in their health; public duty however prevailing over every other passionate desire, my honor and my services I held engaged in the public cause free from any motive of revenge or feeling other resentment than what sprung from a sense of my country's wrongs. The enterprise was successful and the event crowned with the perfect restoration of good order and public peace to the country; blessings under Providence effected by a small body of officers and men whose spirited conduct has made the deepest impressions of gratitude on my mind. This service unavoidably prevented my paying an earlier obedience to his Majesty's commands and my own wishes by repairing to this government.

GENTLEMEN OF THE GENERAL ASSEMBLY.—Having nothing in command immediately from his Majesty to communicate, it is my duty to point out to you the necessity of framing a militia bill upon such a system as will render it most useful in defence of the country.[1]

The injuries of time and storms have so defaced the fortifications of this city that they require a thorough repair as soon as the season will admit;[2] I am therefore to recommend to you to provide as well for this essential work, as the supplies for his Majesty's troops,[3] and the support of government.[4]

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[1] A militia law, chap. 1541, was passed March 24th.

[2] The salaries act, chap. 1540, passed March 24th, appropriated one thousand pounds for repairs to fortifications in the city of New York.

[3] The act, chap. 1513, passed February 26th, appropriated two thousand pounds for quartering the King's troops.

[4] An act for the support of government, chap. 1509, was passed January 22d.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— It is from the very favorable reception I have met with since my arrival that I draw my most assured hopes of future happiness among you. Influenced only by principles that flow from an honest heart, I feel an ardent desire to co-operate with you in every measure that will best promote the honor and dignity of his Majesty's government, and advance the real felicity of a people eminently distinguished by their loyalty to the best of sovereigns and affectionate disposition to their Mother Country.

WILLIAM TRYON.

City of New York
8th of January 1772.

SPECIAL MESSAGES.

January 17. Thanking the Council and Assembly for their addresses, both of which especially commended the Governor's administration in North Carolina.

January 21. The Governor sent the following communication to both Houses:

"As nothing gives greater credit to a country than establishments of public utility, so it is not more at the instance of many of the principal gentlemen in this government, than in compliance with my own inclination, that I request of you to take under your care and protection an institution planned by a society lately incorporated for founding an hospital in this city, for the reception of the poor, debilitated by age, or oppressed with infirmities. The many advantages arising to a community from a public hospital, not to mention the honor it reflects on its inhabitants, are obvious to every one, and will ever be readily acknowledged by the humane and benevolent; and although infirmaries and charitable foundations usually owe their origin to the bounty and voluntary contribution of individuals, yet being calculated to guard against public calami-

ties and distresses, they call for the public aid and assistance to give them duration and stability.

A becoming generosity in the legislature of a country for the charitable purpose of relieving the aged, indigent and infirm, loaded with ills, which nature of itself is unable to sustain, is ever esteemed the strongest proof of national virtue. I shall not presume to prescribe to you either the mode or the measure of your liberality; your knowledge of the police of this government will best point out to you the former, Christian benevolence and your own feeling suggest the latter.[5]

WM. TRYON."

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[5] See Governor Moore's special message of May 17, 1769, ante p. 733, for a similar recommendation.

June 13, 1771, the King granted a charter to a corporation known as "The Society of the Hospital in the City of New York in America." Governor Tryon in the foregoing special message recommended legislation in aid of the society. Following this message, the mayor of New York and several other governors of the society, appeared in the Assembly Chamber on the 18th of February, 1772, and presented a copy of the charter, together with a petition praying for public aid to carry on the work of the society.

The petitioners assured the Assembly that they would proceed in the "execution of their important trust uninfluenced by any contracted or partial attachments whatever; nor shall civil or religious distinctions of any kind disqualify any person from partaking of the benefits of this infirmary, whose disease calls for a physician, and whose poverty exposes him to perish, without its necessary and compassionate relief." The petitioners said that several thousand pounds had been subscribed for the institution, but that land and other property would be necessary for carrying on its work, and that the project would languish without public aid.

The petitioners suggested that a part of the fund derived from excise be granted for hospital purposes, "there being a propriety in converting the assessment upon intemperance to the relief and cure of the diseased, helpless, and distressed."

According to the census of 1771, New York city had a population of 21,863 — 18,726 whites and 3,137 blacks.

The Legislature, responding to the Governor's recommendation and the society's petition, passed an act March 24, 1772, chap. 1550, which appropriated eight hundred pounds annually for twenty years, beginning February 1, 1773, to be paid from excise moneys collected in the city of New York. The preamble recited the incorporation and objects of the society, and its nonpolitical and nonsectarian character. This seems to have been the beginning of hospital legislation in New York.

January 24. Transmitting an extract from his instructions, requiring the enactment of a law in the colony for the collection of a powder duty.[6]

January 29. Transmitting an account presented by General Gage for expenses incurred in quartering the King's troops.[7]

January 29. Transmitting an account presented by Simon Metcalf for the balance due for services in running a line between the Colony and the Indian country. An appropriation had been made to him for similar service by an act, chapter 1475, passed February 16, 1771. The claim here presented by Governor Tryon was disallowed by the Assembly.

January 31. The Governor sent the following communication to the Assembly relative to the Quebec boundary line:

"The Commissioners appointed by the Earl of Dunmore and Lieut. Governor Cramahe to run the partition line last fall between the governments of New York and Quebec, having run twenty-two miles only of the course prescribed to them owing to the sickness of some of the party, and the expenses attending the same amounting nearly to the sum granted the last session for that business, I am to apply to you for an additional vote of credit for the completion of that important service, as the surveyor general, or his sufficient deputy, on the part of this province is to meet the commissioners from Quebec the first of March next at the river Cole, in order to run the line from where the commissioners left off, an east course till they strike

[6] March 13th, the Assembly adopted a resolution expressing the opinion that a law should not be passed imposing a perpetual powder duty on every vessel that enters and clears in this Colony.

[7] The Assembly passed a resolution, March 13th, recommending the disallowance of the claim presented by General Gage.

the west bank of Connecticut river; the accounts with other papers on this subject I have ordered to be laid before you for your further information.[8]

WM. TRYON."

February 13. Informing the Assembly that in consequence of a provision in his instructions, he could not accept a salary from the Colony.

February 21. The Governor sent the following message to the Assembly:

"The present Secretary's office being wholly inadequate to the purpose of preserving the public records, and as the accidents to which they are liable in their present situation must be justly alarming to every person who is interested in the security of property, I cannot avoid recommending these considerations as highly deserving your attention. To erect a new building I consider as the best expedient, in which, besides the apartments necessary for the transaction of the ordinary business, there may be one room so constructed as to afford all possible security against fire and other casualties. A plan of such a design accompanies this message, the estimate of the expense of which, in brick work, amounts to eleven hundred pounds currency. Should the same meet with your approbation, I flatter myself you will make provision for carrying it into execution.

WM. TRYON."

The Assembly postponed action on this matter until the next session.

March 14. Referring to the act passed January 5, 1770, chapter 1422, appropriating two thousand pounds for quartering the King's troops, one thousand pounds to be paid directly from the Colonial treasury, and one thousand

[8] The salaries act, chap. 1540, passed March 24th, included an item appropriating two hundred and eighty pounds for the expense of running the Quebec line.

pounds from the proceeds of a loan bill, the Governor informed the Assembly that owing to the loan office bill not taking effect, the money to be derived from that source had not been paid, "though actually disbursed by individuals on the public faith." He regarded the grant as a debt of honor on the government, "the validity of which could not be diminished by the failure of the bill, since public credit requires that deficiencies or failure of one fund, should ever be satisfied out of the surplusage of some other, or by some special provision," and he expressed his confidence that the Assembly would make immediate provision for the payment of the debt.[9]

March 18. Transmitting accounts presented for repairs at the fort. (See note 2.)

March 24. The Assembly was prorogued to the 4th of May.

1773. JANUARY. THIRTY-FIRST ASSEMBLY, FIFTH SESSION.

WILLIAM TRYON, Governor.

The Assembly after several prorogations from March 24, 1772, met on the 5th of January, 1773, and the next day the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— The experience you gave me the last session of the liberality of your sentiments towards me, and your ready concurrence with the measures I then proposed, flatter me at this juncture with the like favorable attention to what I have now to recommend to you.

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[9] This deficiency in appropriations for quartering the King's troops was provided for by an appropriation contained in the salaries act, chap. 1540, passed March 24th.

It has been the peculiar misfortune of this country to have remained even to this day with most of its boundaries undetermined, a circumstance that has in a considerable measure retarded the settlement of the frontiers, and proved the source of many unhappy disputes with its neighboring inhabitants, and which if not speedily settled may probably be productive of more serious consequences. Impressed with this idea soon after my arrival in this government I opened a correspondence with Governor Hutchinson on the necessity of finally establishing a partition line between this and Massachusetts government. The Governor moved his Assembly to second our wishes, and an act passed to enable proper persons to undertake its accomplishment. I shall therefore lay before you the correspondence and papers on this subject, wishing you may co-operate with the Massachusetts government by passing a similar act for so salutary a purpose.[1]

I have the satisfaction to inform you the dividing line between this Province and government of Quebec has been this last fall run from Lake Champlain in the forty-fifth degree of North Latitude to Connecticut River. As the commissioners who perform that business winter in Quebec that they may be ready early in the spring to continue that line from the Lake westward to St. Lawrence River, I am to apply to you for a further aid for that most essential service.[2]

The General Assembly of New Jersey having lately passed an act similar to your own for ascertaining the boundary between the two governments, and securing cer-

1 The Legislature responded to the Governor's suggestion by enacting chapter 1601, on the 8th of March, appointing commissaries to "settle a line or lines of jurisdiction between this Colony and the Province of the Massachusetts Bay."

2 The salaries act, chap. 1597, passed March 8th, appropriated three hundred and twenty-three pounds, thirteen shillings and six pence, for advances by the Governor in running the Quebec line, and also two hundred pounds to complete the running of the line.

tain borderers in the quiet possession of their settlements, and as I am informed the King's commission and the proceedings had thereon will be very speedily transmitted to his Majesty, I entertain the warmest expectations that the royal decision in the case will shortly be obtained. These particulars appear to me to be so interesting to the peace and prosperity of the country that I could not avoid urging to you their importance.[3]

I have been obliged to order considerable repairs to be made to the Mansion House in Fort George to make it habitable, the estimates of which shall be laid before you.

GENTLEMEN OF THE GENERAL ASSEMBLY.— The sum of money voted the last sessions for repairing the battery in Fort George has been appropriated to such necessary, useful and ornamental purposes as afford the clearest demonstration of the expediency and propriety of that vote, and cannot fail of giving satisfaction to the public.[4]

Having nothing immediately in charge from his Majesty to communicate to you, I shall at present only recommend to make provision for the extra services I have just now mentioned, the usual support of government,[5] and the necessary supplies for his Majesty's forces.[6]

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.— It is with the highest satisfaction I view the present flourishing state of this country, and the

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3 An act was passed February 6th, chap. 1576, "to facilitate the return of his Majesty's commission under the great seal of Great Britain, and the proceedings thereon, for settling the boundary line between this Colony and New Jersey."

4 The salaries act, chap. 1597, appropriated one thousand seven hundred and twenty-one pounds, twelve shillings, to the Governor for sundry "repairs in Fort George and the Mansion House therein, and on the battery."

5 The usual act for the support of government, chap. 1573, was passed on the 6th of February.

6 An appropriation of one thousand pounds for supplies for the King's troops was made by an act, chap. 1596, passed March 8th.

good order, industry and unanimity among its inhabitants, blessings I ardently wish to see continued and improved.

It is evident nothing can so much ensure an increase of wealth to the colony as a due care that the good quality of our staple commodities may establish a reputation at foreign markets.[7] Your attention to this, as also to the mischiefs arising from the circulation of a large quantity of counterfeit currency lately brought into this country, are objects deserving your consideration.[8]

The happiness I enjoy by my royal master's gracious appointment of me to this Province, I acknowledge with that duty and affection which warms the loyal breast, and the friendly consideration and attention I have experienced from all ranks, not only increase this happiness, but cherishes the growing attachment I feel for the interest of this colony, which however I am sensible can only be extensively and beneficially drawn into action by your generous aid and assistance in the honorable support of the dignity of his Majesty's government and the felicity of his people.

WILLIAM TRYON.

Fort George New York
6th January 1773.

SPECIAL MESSAGES.

January 11 and 12. Thanking the Council and Assembly respectively for their addresses.

January 13. Transmitting correspondence between Governor Hutchinson and himself, referred to in the opening speech. (See note 1.)

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7 An act, chap. 1622, passed March 8th, revived an act to provide for the appointment of inspectors of flour and repackers of beef and pork.

8 An act, chap. 1599, passed March 8th, attempted to remedy the evils caused by the circulation of counterfeit money, by appointing commissioners, who were directed to prepare plates and devices difficult of imitation, and to have forty-four thousand copies struck off on thin paper, which were to be attached to certain specified bills of credit.

January 28. The Governor presented an account for moneys advanced by him in connection with repairs at Fort George; and also the account of Theophilus Hardenbrook for the whole amount of the repairs at the fort. (See note 4.)

January 29. The Governor presented an account for expenses incurred in running the Quebec line. (See note 2.)

February 2. The Governor sent the following communication to the Assembly:

"The increase of inhabitants in this colony, as well as the extent of its settlements since the late war, having necessarily multiplied the business of the courts of law and rendered the duty of the judges proportionably burthensome and expensive, an addition to their salary is become essential to the advancement of justice, and proper for the due support of the honor of government. I therefore recommend to you, as their present salaries are altogether inadequate, to provide for them in such manner as will be consistent with the dignity of their office, and in some measure a recompence for their time and trouble.[9]

Upon the same principles I would also recommend to your consideration the petition of Richard Morris, Esquire, clerk of the courts of oyer and terminer and general gaol delivery, which accompanies this message; an office esteemed highly useful and necessary in the administration of public justice.[10]

WM. TRYON."

February 16. Stating that there was no field artillery among the King's ordnance, the Governor recommended the purchase of a "few short brass field pieces," for use

[9] The salaries act, chap. 1597, made provision for additional compensation to judges for attending courts in remote counties.

[10] The salaries act, chap. 1597, appropriated one hundred and fifty pounds to Mr. Morris, for past services.

in an emergency, and also the purchase of a quantity of gun powder.[11]

February 17. The Governor sent the following communication to the Assembly:

"When at Sir William Johnson's in the tour I took last summer through the frontier parts of this Province, application was made to me by the Mohawk Indians for my assistance in redressing the wrongs and injuries which they suggested they had sustained by means of some settlements that were made upon part of their lands by persons holding under a claim set up by the corporation of the city of Albany. At the same time Sir William Johnson, his Majesty's superintendent of Indian affairs in the northern district, expressed his earnest desires that some measures might be adopted by me to remove their jealousies and discontents, and for securing to them the quiet enjoyment of their ancient domains. Col. Guy Johnson, a member of your House, is intrusted by Sir William Johnson with the papers relating to this matter, and is capable of giving you the fullest information in every particular; it therefore becomes unnecessary for me to observe anything further upon the subject, than that it appears to be not only agreeable to the principles of natural justice and a branch of duty, which from my station is due to the aborigines of the country, but also that I am strictly enjoined by his Majesty's instructions to use my best endeavors to prevent any settlement or encroachment on the lands and possessions of the Indians, on pretended purchases from the Indians or otherwise, to redress their wrongs, to conciliate their friendship, and to quiet them in the uninterrupted enjoyment of their ancient and just claims. As I conceive these desirable purposes will be easiest effected and rendered

[11] The salaries act, chap. 1597, appropriated three hundred pounds to be used by the Governor in the purchase of six-pound brass field pieces, and he was also authorized to purchase one thousand pounds of gun powder.

most lasting by an act of the legislature, I must recommend to the public justice of the House the passing of a law for confirming and securing to these Indians, friends and faithful allies of this government, the small boon to which they have the most equitable right of an unmolested enjoyment of their confined and restricted possessions, now scarcely sufficient for the support of their families.[12]

WM. TRYON."

March 1. The Governor sent the following communication to the Assembly:

"There being a fair prospect that before your next meeting an agreement will take place for terminating the controversy concerning the partition line between this colony and the Province of the Massachusetts Bay, and understanding, by the commissaries named for that purpose, that certain surveys and other services will be necessary to be performed before the congress can open, I must recommend it to you to provide for the speedy payment at least of such expenses as may become due to persons whose indigent circumstances may prevent their contracting with the commissaries, unless they are to receive an immediate recompense for their work.

WM. TRYON."

March 1. The Governor sent the following communication to the Assembly:

"His Excellency General Gage having acquainted me that the sum of £800, voted by your house for supplying

12 February 19th, the Assembly adopted a resolution directing that a bill be brought in "for securing to the Indians of the lower Mohawk village, and their descendants, the possession of the remainder of their lands around the same, under a certain limitation to be therein mentioned." A bill was accordingly prepared and introduced, but afterwards on the petition of the city of Albany, action was postponed until the next session of the legislature. No act seems to have been passed on this subject.

with necessaries his Majesty's troops quartered in this government the ensuing year will be found inadequate to that purpose, and it appearing by an estimate herewith transmitted that £590 will be wanted for repairing the barracks, I esteem it my duty to communicate these circumstances to you before the rising of the Assembly, and to recommend the making a further provision for these services. (See note 6.)

WM. TRYON."

March 8. The Assembly was prorogued to the 4th of May.

1774. JANUARY. THIRTY-FIRST ASSEMBLY, SIXTH SESSION.

WILLIAM TRYON, Governor.

The Assembly which had been prorogued from time to time since March 8, 1773, met on the 12th of January, 1774, when the Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—While in the utmost agony of mind for the safety of my family, I lately beheld my own interest and the Province House involved in one common ruin, I felt the strongest emotion of regret for the demolition of that mansion, particularly after your liberal grant for its repair. My anxiety also was infinitely increased by the imminent danger which threatened the whole city.

Whatever may have been the unhappy cause, I cannot but adore the peculiar interposition of Divine Providence in suffering but one of my servants to fall a victim to the rapid and resistless fury of the flames; at the same time my warmest gratitude is due to the Almighty that by the power-

ful exertions of the citizens and military this metropolis was preserved from the destructive calamity.

The real consolation it would give me to learn how the fire was communicated to the Council Chamber, where it was first discovered and most probably originated, has induced me to order the depositions of several of my servants to be taken, that as much of this unhappy event may be known as can be traced. From their testimony and their regular and careful conduct, I cannot help entertaining at least a violent presumption that this misfortune did not owe its birth to any neglect on their part, or accident within their power to prevent, but rather to some concealed fire between the wainscot and chimney.[1]

I most sincerely lament the imperfect manner in which I am obliged to lay before you much of the business I had digested for your deliberation this session, the materials and papers I had collected for that purpose being destroyed.

In consequence of the laws passed by this colony and the Province of the Massachusetts Bay, the commissaries appointed by each government have, since your recess, met at Hartford, and in the presence and with the consent of the respective governors entered into an agreement for settling the line of jurisdiction between the two Provinces, which I now lay before you. It has already been transmitted for his Majesty's approbation, and as I cannot doubt its receiving the royal sanction, a final period must soon be put to a controversy which for many years has not only affected the property, but greatly disturbed the tranquillity of many of his Majesty's subjects in both governments.[2]

[1] An act, chap. 1648, passed March 9th, appropriated five thousand pounds as part compensation to the Governor for losses sustained by him by the fire.

[2] The Governor, at the conclusion of his speech, delivered to the Assembly a copy of the agreement for settling the boundary line between New York and Massachusetts Bay, which appears at length in the Assembly Journal. The agreement is dated May 18, 1773. It fixed the boundary line according to the following description:

"A line beginning at a place fixed upon by the two governments of New

To remove the difficulties which obstructed the completion of the line in part run between this Province and Quebec, I visited that government the last summer, and from the measures concerted with Lieutenant-Governor Cramahé, promised myself this business would have been effected before the approach of winter; but the survey being protracted from the low marsh soil through which the line passes, and a series of unfavorable weather, the provisions of the party were exhausted, and being disappointed in their expectations of a seasonable supply, the surveyors were compelled to abandon the work, leaving unfinished, as they report, a space not exceeding ten miles to Lake St. Francois, where the survey was to have terminated.[3]

GENTLEMEN OF THE GENERAL ASSEMBLY.—Besides the provision for the support of government[4] and the necessary supplies for his Majesty's troops,[5] which I recommend to you, some expenses have been incurred for repairs and other services, and being of real utility, I flatter myself they will be considered by you as meriting a public allowance.

GENTLEMEN OF THE COUNCIL AND GENTLEMEN OF THE GENERAL ASSEMBLY.—The contests which have arisen be-

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York and Connecticut, in or about the year of our Lord one thousand seven hundred and thirty-one, for the northwest corner of a tract of land commonly called the Oblong, or equivalent land; and running from the said corner north twenty-one degrees, ten minutes and thirty seconds east, as the magnetic needle now points, to the north line of the Massachusetts Bay, shall at all times hereafter be the line of jurisdiction between the said Province of the Massachusetts Bay and the said province of New York, in all and every part and place where the said province of New York, on its eastern boundary, shall adjoin on the said Province of the Massachusetts Bay."

3 The salaries act, chap. 1676, passed March 19th, appropriated three hundred and thirty-one pounds, three shillings, nine pence, for expenses incurred in surveying the Quebec boundary line.

4 The usual act for the support of government, chap. 1639, was passed February 8th.

5 The Legislature, by chap. 1647, passed March 9th, appropriated two thousand pounds for quartering the King's troops.

tween the New York grantees and the claimants under New Hampshire, and the outrages committed on the settlers under this government, having been productive of much confusion and disorder, and requiring immediate consideration, his Majesty has been graciously pleased to command me to repair to England for a short time to attend the discussion of this important matter.[6]

Impressed with the most cordial affection for a people who through the whole course of my administration have honored me with every possible mark of regard and esteem, permit me to assure you that during my absence I shall cheerfully embrace every opportunity of promoting to the fullest extent of my power, the reputation, interest and happiness of this respectable Province.

WM. TRYON.

New York the 12th day of January 1774.

SPECIAL MESSAGES.

January 15. Thanking the Council for its address, in which the Council, referring to a recent fire at the fort, in which the Governor's house was destroyed, expressed special gratification at the deliverance of the Governor and his family, who were at one time "nearly encircled by the devouring flames."

January 19. Thanking the Assembly for its address, in which that body also expressed its condolence on the Governor's loss in consequence of the recent fire.

February 2. Presenting his account for expenses incurred in running the Quebec line. (See note 3.)

February 2. Transmitting Theophilus Hardenbrook's account for services and expenses in connection with repairs at the Fort. Also an account of his own expenses incurred in going to Hartford to confer with Governor

[6] Governor Tryon left New York for England April 7, 1774, and returned the 25th of June, 1775.

Hutchinson in relation to the agreement fixing the boundary line between New York and Massachusetts Bay.[7]

February 2. Transmitting an account presented by Robert Yates for services in surveying the course of Hudson River in connection with negotiations relative to the boundary line between New York and Massachusetts Bay.[8]

February 2. Recommending to the consideration of the Assembly a proposition for improving the road between New York and Hartford in conjunction with the authorities of Connecticut. The Governor thought New York's part of the expense should be borne by the Province rather than by counties.[9]

February 15. Transmitting accounts presented by Mr. Collins and Mr. Sauthier for services and expenses in surveying the Quebec boundary line; also transmitting the field book and plan of the survey.[10]

February 17. Informing the Assembly that he had received a letter from Mr. Collins relative to the account presented by him for surveying the Quebec boundary line, and containing an "overture" by him to complete "the extension of the boundary line to Lake St. Francois as the surveyor of both Provinces" for the sum of one hundred pounds sterling. The Governor commended the suggestion to the favorable consideration of the Assembly.[11]

February 18. Informing the Assembly that the late fire

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[7] The salaries act, chap. 1676, made appropriations for repairs at Fort George, and for the expenses of the Governor's visit to Connecticut.

[8] The salaries act, chap. 1676, made compensation to Mr. Yates for this service.

[9] March 11th, the Assembly adopted a resolution to postpone action concerning the proposed road to Hartford until the next session.

[10] The accounts of Mr. Collins and Mr. Sauthier for services in connection with the Quebec boundary line were provided for by appropriations contained in the salaries act, chap. 1676.

[11] The Assembly adopted a resolution on the 16th of March, making provision for fifty pounds as New York's part of the expense of the proposed extension of the Quebec boundary line.

at the fort was probably occasioned by a defective chimney in the Council Chamber.

February 22. Recommending that the Assembly provide for a further supply of gun powder.[12]

March 1. Recommending that the Assembly make suitable provision for the rebuilding of a government house, which measure he hoped would be adopted upon a very liberal plan.[13]

March 8. Transmitting a petition for the opening of new roads, but the records do not contain the petition, nor show the location of the proposed roads.[14]

March 8. Recommending that compensation be made to Justice Ludlow for losses sustained by him in a recent fire which destroyed his dwelling house, and almost all his furniture and library.[15]

March 19. The Governor being about to go to England to confer with the home government relative to conflicting claims to that part of the Province lying north of Massachusetts and west of the Connecticut River, as indicated in his opening speech, the Assembly presented a congratulatory address, assuring the Governor that he possessed the good will of the Assembly and of the people, and expressing the hope that he would soon return to resume the duties of his office. The Governor replied thanking the Assembly for its address, and giving assurances of his great interest in the welfare of the Colony. (See note 6.)

March 19. The Assembly was prorogued to the 17th of May.

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12 The salaries act, chap. 1676, appropriated one hundred pounds for the purchase of gun powder.

13 The Assembly considered the subject of rebuilding the Governor's house, but no action was taken at this session.

14 Several highway acts were passed at this session.

15 The salaries act, chap. 1676, appropriated five hundred pounds to Justice Ludlow as part compensation for his losses by the fire.

CADWALLADER COLDEN, Lieutenant-Governor and Acting Governor.

The Assembly journal for January 10, contains the following entry:

"His Excellency WILLIAM TRYON, Esq. Captain-General and Governor-in-Chief of this colony, on the 19th day of March last, prorogued the General Assembly thereof till the 17th day of May following; and on the seventh day of April last, his said Excellency departed from this colony for England; in consequence whereof the government devolved upon the honorable CADWALLADER COLDEN, Esq. his Majesty's Lieutenant-Governor, who, by proclamation in council, on the 16th day of May last, prorogued the said General Assembly till the 16th day of June following; and by several proclamations since published, further prorogued them to this day, to meet and proceed upon business."

The Assembly met on the 10th of January, and on the 13th the Lieutenant-Governor delivered the following

OPENING SPEECH.

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.—I think it unnecessary at this time particularly to recommend to your attention the ordinary business of the legislature; whatever may be found conducive to the dignity of his Majesty's government, or the happiness of his people in this colony, I shall cheerfully promote.

GENTLEMEN OF THE GENERAL ASSEMBLY.—The support of his Majesty's government and other allowances for this service, I doubt not you will readily provide for.[1]

GENTLEMEN OF THE GENERAL ASSEMBLY.—We cannot suffi-

[1] The usual act for the support of government, chap. 1691, was passed January 31st.

ciently lament the present disordered state of the colonies. The dispute between Great Britain and her American dominions is now brought to the most alarming crisis, and fills every humane breast with the deepest affliction. It is to you, Gentlemen, in this anxious moment, that your country looks up for counsel, and on you it, in a great measure, depends to rescue her from evils of the most ruinous tendency. Exert yourselves then with the firmness becoming your important office. If your constituents are discontented and apprehensive, examine their complaints with calmness and deliberation, and determine upon them with an honest impartiality. If you find them to be well grounded, pursue the means of redress which the constitution has pointed out. Supplicate the throne, and our most gracious Sovereign will hear and relieve you with paternal tenderness. But I entreat you as you regard the happiness of your country, to discountenance every measure which may increase our distress; and anxious for the re-establishment of harmony, with that power with which you are connected by the ties of blood, religion, interest and duty, prove yourselves, by your conduct on this occasion, earnestly solicitous for a cordial and permanent reconciliation.[2]

GENTLEMEN OF THE COUNCIL AND GENERAL ASSEMBLY.— In the absence of our most worthy Governor-in-Chief, no less distinguished by his extensive abilities than his zeal for the honor of the Crown and his affection for the people of this Province, and at so critical a juncture, it gives me great consolation that I can repose the utmost confidence in your wisdom, your attachment to the constitution, and your regard for the interest of the British empire. And you may be assured that my most strenuous efforts shall be exerted to co-operate with you in restoring that tranquillity which

2 For a sketch of various transactions in New York relative to the pending controversy with the home government, see post p. 765.

must be the ardent desire of every wise, virtuous and loyal subject.

CADWALLADER COLDEN.

SPECIAL MESSAGES.

January 18 and 20. Thanking the Council and Assembly respectively for their addresses.

January 26. The Lieutenant-Governor sent the following communication to the Assembly:

"In the month of August last, Governor Penn made an overture to me for settling the boundary line between this Province and Pennsylvania. He very justly observed that as the settlements under both governments were daily approaching the line, it was of great importance to have the boundary marked without delay. The gentlemen of the Council were of the opinion that it would be sufficient at this time to find the beginning of the 43rd degree of latitude upon the Delaware and Susquehannah rivers; to mark those points, and so much of the boundary line as lies between them. They advised me to appoint Samuel Holland, Esquire, to perform the work on the part of this Province in conjunction with the persons whom Governor Penn should appoint on the part of Pennsylvania.

Mr. Holland and Mr. Rittenhouse went upon this work in November last, and fixed the latitude on Delaware river. They met with unexpected fatigue and danger from the severity of the weather which made it impossible for them to proceed any farther. I send you Mr. Holland's account; he has advanced a considerable part of the amount, and I recommend to you, gentlemen, now to make provision for the payment of this service which I have reason to think has been accurately performed.[3]

CADWALLADER COLDEN."

[3] The salaries act, chap. 1699, passed April 1, made an appropriation to Mr. Holland for services in fixing the forty-third degree of latitude upon the Delaware River in conjunction with Mr. Rittenhouse, the surveyor on the part of Pennsylvania.

January 27. Transmitting to the Assembly a petition presented by Joshua Root and Abijah Rood, of Albany, for compensation for services rendered in assisting an officer in executing a warrant issued by the judges of the supreme court.[4]

February 7. The Lieutenant-Governor sent the following communication to the Assembly:

"The settlements in the northeastern part of this Province have within a few years advanced with that rapidity as affords the strongest prospect of their soon becoming in a commercial view highly beneficial to the colony. The produce of that country has already appeared at our markets; and from the great fertility of the soil there can be no doubt of large and plentiful supplies from thence whenever a safe and easy communication shall be opened to Albany by the great roads from Connecticut river. The circuit courts are as necessary in the most remote county as in the nearest; otherwise the laws cannot be duly executed; and the subject will in many instances be deprived of the aid and protection he is entitled to. The judges cannot go into those distant counties with tolerable ease and safety unless the roads are made. This is an object not to be attained without the aid of the legislature, the inhabitants, under their present circumstances, being unable to support the expense; and as the advantages which the public will derive from it are apparent, and evince the propriety of the measure, I persuade myself you will think it deserving of your serious attention.[5]

CADWALLADER COLDEN."

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4 The salaries act, chap. 1699, provided compensation for the service rendered by Joshua Root and Abijah Rood as stated in the message.

5 March 22d, the Assembly adopted a resolution postponing action on this matter until the next session.

February 9. The Lieutenant-Governor sent the following communication to the Assembly:

"Soon after the close of your last sessions, his Excellency Governor Tyron with the advice of his Majesty's Counsel appointed James Jauncey, Jun. Esq. to the office of master of the rolls of the court of chancery for this Province. This office has long been thought necessary, for, from the great increase of business in the court of chancery, and the many other duties of the Governor, delays and inconveniences could not otherwise be avoided. The diligence and ability of the gentleman appointed by Governor Tyron has already evinced the great utility of the master of the rolls, and I have no doubt but you will cheerfully provide such a support, to commence from the date of his commission, as shall be adequate to the dignity and importance of the office.[6]

CADWALLADER COLDEN."

February 15. Presenting accounts for repairs at Fort George and the battery in New York.[7]

March 13. The Lieutenant-Governor sent the following communication to the Assembly:

"The very insufficient state of the public office of the Secretary of the province is obvious. The records and papers, which are of the greatest importance to the whole province, are, from the ruinous state of the house, daily exposed to the worst effects of the weather.

You will find this business requires your immediate attention; and I therefore recommend it to your consideration.[8]

CADWALLADER COLDEN."

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6 The salaries act, chap. 1699, fixed the compensation of the master of the rolls at two hundred and fifty pounds per annum.

7 An appropriation for the repairs at Fort George and on the battery was made by the salaries act, chap. 1699.

8 The salaries act, chap. 1699, appropriated forty pounds for repairs on the secretary's office.

March 23. The Lieutenant-Governor sent the following communication to the Assembly:

"You will see with just indignation from the papers I have ordered to be laid before you, the dangerous state of anarchy and confusion which has lately arisen in Cumberland county, as well as the little respect which has been paid to the provisions of the legislature at their last sessions for suppressing the disorders which have for some time greatly disturbed the northeastern districts of the county of Albany and part of the county of Charlotte.

You are called upon, gentlemen, by every motive of duty, prudence, policy and humanity to assist me in applying the remedy proper for a case so dangerous and alarming.

The negligence of government will ever produce a contempt of authority; and by fostering a spirit of disobedience, compel, in the sequel, to greater severity. It will therefore be found to be not only true benevolence, but also real frugality, to resist those enormities at their commencement. And I am persuaded, from your known regard to the dignity of government, and your humanity to the distressed, that you will readily strengthen the hands of civil authority and enable me to extend the succour and support which are necessary for the relief and protection of his Majesty's suffering and obedient subjects, the vindication of the honor and the promotion of the peace and felicity of the colony.[9]

CADWALLADER COLDEN."

March 28. Transmitting accounts presented by Mr. Collins for services in surveying the Quebec line.[10]

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[9] On the 3d of April, the Assembly adopted a resolution authorizing the Lieutenant-Governor to expend one thousand pounds "to enable and assist the inhabitants of the county of Cumberland to reinstate and maintain the due administration of justice, and for the suppression of riots in said county."

[10] An appropriation of eighty-five pounds was made to Mr. Collins by the salaries act, chap. 1699.

April 3. The Assembly adjourned to the 3d of May, but it never met again. It was continued by numerous adjournments and prorogations until the 17th of April, 1776, when it was dissolved because of a failure to prorogue it to another day. It had already continued in existence beyond the seven years limited by statute.

THE ASSEMBLY DEMANDS HOME RULE.

Governor Tryon left New York on the 7th of April, 1774, to confer with the authorities in England relative to the controversy over that part of New York which was subsequently included in the state of Vermont. He was absent until the 25th of June, 1775. In the meantime, much history had been made, and the differences between the home government and the colonies, and resistance by the latter to encroachments on their liberties and privileges, had culminated in conditions which made war inevitable, and when Governor Tryon returned to New York on the 25th of June, 1775, the great conflict had been precipitated by the battle of Lexington on the 19th of April, which was followed, on the 17th of June, by the battle of Bunker Hill, thus making reconciliation practically impossible. Governor Tryon found the colonies in a state of war with the mother country. The Colony over which he was Governor had played a conspicuous part in the preliminary movements, and he was soon to find his executive authority not only limited territorially to a small portion of the colony, but practically suspended by the declaration of martial law. Already the legislature had ceased to meet, though continuing a paper existence by executive proclamation for nearly a year.

In May, 1774, not long after Governor Tryon's departure, a committee of Fifty-One was organized in New York to consider measures relative to the pending situation, and correspond with other Colonies "on all matters of mo-

ment." This committee corresponded with several colonies, and recommended a general Congress to take action for the security of the common rights of the colonies. On the 28th of July, the people of New York elected delegates to a general congress, which met in Philadelphia on the 5th of September, and which took the desired action for a union of the colonies. The Committee of Fifty-one, having accomplished the purpose of its creation, was dissolved in November, 1774.

The events of this year might well cause Lieutenant-Governor Colden to express alarm as in his opening speech to the Legislature in January, 1775, he reviewed the conditions which confronted the colonies, and he quite naturally appealed to the Assembly to take such measures as might be needed to preserve order and maintain the good name of the colony. The majority of the members of the Assembly were loyal to the home government, and opposed to active resistance to measures and policies which the British King and Parliament sought to impose on the colony.

The attitude of the Assembly was manifest from an address presented to the Lieutenant-Governor on the 20th of January, 1775, in which the Assembly said:

"Affected with the deepest concern by the distressed state of the colonies, and impressed with a due sense of the fatal consequences attending the unhappy dispute between Great Britain and his Majesty's American dominions, we feel the most afflicting anxiety at this alarming crisis. Fully convinced that the happiness of our constituents depends greatly on the wisdom of our present measures, we shall exercise the important trust they have reposed in us with firmness and fidelity; and with calmness and deliberation pursue the most probable means to obtain a redress of our grievances; and it affords us the highest satisfaction to hear from your Honor that our most gracious sovereign will be attentive to the complaints of his American subjects, and ready with paternal tenderness to grant us relief.

Anxious for the interest and happiness of our country, and earnestly solicitous for the re-establishment of harmony with Great Britain, we shall discountenance every measure which may tend to increase our distress, and by our conduct show ourselves truly desirous of a cordial and permanent reconciliation with our parent kingdom."

The same day the Lieutenant-Governor replying to this address said:

"The affliction you express at the unhappy contest between Great Britain and his Majesty's American dominions, your virtuous resolution to discharge your important trust with firmness and deliberation — your solicitude for a re-establishment of that harmony with our parent state, which can alone diffuse happiness and security to the various branches of the empire,— and your assurance that you will discountenance every measure which may increase our distress, while they hold you up as guardians on whose wisdom and integrity your constituents may rely with well grounded confidence, cannot fail of giving me the most sincere satisfaction, and of recommending you to general approbation."

The Assembly contained a strong minority of men who sympathized with the movement for active resistance to parliamentary aggression, and who did not hesitate to put the Assembly on record as refusing to join in the general movement for a union of the colonies. These men included Nathaniel Woodhull, of Suffolk; Philip Livingston, Albany; George Clinton, Ulster; Pierre Van Cortlandt, Cortlandt; Charles De Witt, Ulster; Philip Livingston, Livingston Manor; Zebulon Seaman, Queens; Abraham Ten Broeck, Rensselaerwyck; William Nicoll, Suffolk; Simon Boerum, Kings; and John Thomas, Westchester. Some of them filled a large place in the early history of the State.

On the 26th of January, Abraham Ten Broeck moved that "this house take into consideration the proceedings

of the Continental Congress held in the city of Philadelphia in the months of September and October last." This was rejected by a vote of ten to eleven.

On the 31st of January, the Assembly unanimously adopted a resolution, offered by Philip Livingston, that a day be appointed to take the State of the Colony into consideration, to enter on its journals such resolutions relating thereto as might be adopted, " and in consequence of such resolutions to prepare a humble, firm, dutiful and loyal petition to our most gracious Sovereign."

On motion of James De Lancey a similar petition was to be presented to the House of Lords and the House of Commons. A committee was accordingly appointed to prepare a statement of the grievances of the Colony.

On the 16th of February, the Assembly, by a vote of nine to sixteen, rejected a motion by Philip Schuyler, to enter on the journals of the Assembly certain correspondence with other colonies, and also correspondence with Edmund Burke, agent of New York at the Court of Great Britain.

The next day the Assembly rejected a motion by Mr. Woodhull tendering its thanks to Philip Livingston, Isaac Low, John Jay, John Alsop, James Duane, Simon Boerum, William Floyd, and Henry Wisner, " for their faithful and judicious discharge of the trust reposed in them by the good people of this Colony at the Continental Congress held at Philadelphia in the months of September and October last."

On the 21st of February, a motion by Philip Livingston was rejected, tendering the thanks of the Assembly to the merchants " and inhabitants of this city and colony, for their repeated, disinterested, public spirited, and patriotic conduct, in declining the importation, or receiving of goods from Great Britain, and for their firm adherence to the association entered into and recommended by the Grand

Continental Congress, held at Philadelphia, in the months of September and October last."

On the 23d of February, the Assembly rejected a motion by Mr. Thomas "that the sense of this House be taken, on the necessity of appointing delegates for this Colony, to meet the delegates for the other Colonies on this Continent, in General Congress on the 10th of May next."

While the Assembly was unwilling to commit itself to various proposed steps in the movement for organized resistance, there was no denial of the existence of actual grievances, and these were set forth in a series of resolutions adopted on the 8th of March, declaring:

"That the people of this colony owe the same faith and allegiance to his most gracious Majesty King George the third that are due to him from his subjects in Great Britain.

That his Majesty's subjects in this colony owe obedience to all acts of parliament calculated for the general weal of the whole empire, and the due regulation of the trade and commerce thereof, and not inconsistent with the essential rights and liberties of Englishmen, to which they are equally entitled with their fellow subjects in Great Britain.

That it is essential to freedom, and the undoubted right of Englishmen, that no taxes be imposed on them but with their consent, given personally, or by their representatives in general assembly.

That the acts of parliament raising a revenue in America, especially to provide for the support of the civil government and administration of justice in the colonies — extending the jurisdiction of the courts of admiralty beyond their ancient limits — authorizing the judges' certificate to indemnify the prosecutor from damages he would otherwise be liable to, giving them a concurrent jurisdiction of causes heretofore cognizable only in the courts of common law, and by that means depriving the American subject of his trial by a jury, are destructive to freedom, and subversive of the rights and liberties of the colonists.

That a trial by a jury of the vicinage, in all capital cases. is the grand security of freedom, and the birthright of Englishmen; and therefore, that the seizing any person

or persons residing in this colony suspected of treasons, misprisons of treason, or any other offences, and sending such person or persons out of the same to be tried, is dangerous to the lives and liberties of his Majesty's American subjects."

These resolutions were adopted by a vote of 14 to 12.

On the 13th of March, the Speaker laid before the Assembly a letter from "William Bollan, Benjamin Franklin and Arthur Lee, Esqrs., agents for some of the North American colonies, dated London, Dec. 24, 1774, directed to the Speaker of the General Assembly of this colony, acquainting him that they had presented the petition of the Continental Congress to Lord Dartmouth, who had laid it before his Majesty."

Some account has already been given of the petitions presented by the Assembly to the King and Parliament in 1764, 1765 and 1768, all of which related to encroachments on colonial rights, which the colonists feared were being made by recent acts of Parliament, particularly the stamp act, the admiralty acts, various acts imposing duties on colonial trade, and the policy of taxing the Colonies without their consent.

The last Colonial Assembly near the close of its last session, again sought by petition to procure an adjustment of differences between the colonies and the home government, and avert a serious struggle which then seemed rapidly approaching. A large minority of the Assembly favored direct opposition to the plans of the home government, or at least a union with other colonies in an effort to resist the enforcement of the policies which seemed so destructive of colonial interests. But the majority still hoped for a peaceful settlement of the controversy, and apparently believed that such a settlement might be accomplished by a strong presentation of colonial grievances. The minority believed that the time for an amicable settlement

had passed, and that resistance had become the only course left. The minority, therefore, opposed the adoption and presentation of the petitions. The petitions to the King and Parliament were agreed to on the 25th of March, 1775.

The petition to the King, after formal introduction, set forth the following grievances:

"Vouchsafe then most gracious Sovereign, to attend to the prayer of your faithful subjects, and while we are pleading our own cause, and the cause of liberty and humanity, deign to consider us as advocates for our sister colonies also.

The present unhappy and unnatural disputes between the parent state and your Majesty's American dominions, give us the deepest and most unfeigned concern. We lament it as one of the greatest misfortunes that the happy and peaceful harmony, which has hitherto subsisted between us, should now by any means be interrupted; and 'tis the earnest, and first wish of our hearts, that it may be speedily restored, and placed upon so permanent a basis, as that neither time or accidents may be ever able to disturb it.

We acknowledge, with the warmest gratitude, the favor and protection of our mother country; which flowing from policy, dictated by wisdom and humanity, hath enabled us to become so important a part of the British empire; and we beseech your Majesty to believe us, when we assure you, that we still retain the duty and affection of children—that we love and reverence our venerable parent, and that no calamity would be so truly afflicting to us as a separation from her. We acknowledge there are appearances which may be construed to our disadvantage, and that several of the measures pursued by the colonies are by no means justifiable; yet while we disapprove and condemn them, we entreat you, as the indulgent father of your people, to view them in the most favorable light, and to consider them as the honest though disorderly struggles of liberty, not the licentious efforts of independence.

Your Majesty's American subjects have hitherto been in a state of infancy, and till lately have submitted implicitly, and without repining to the authority of the parent state; they have now reached the period of maturity, and think

themselves entitled to their birthright, an equal participation of freedom with their fellow subjects in Britain. It is with this view we now address your Majesty. We mean not to become independent of the British Parliament; on the contrary, we cheerfully acknowledge our subordination to it, as the grand legislature of the empire; we wish only to enjoy the rights of Englishmen, and to have that share of liberty, and those privileges secured to us which we are entitled to upon the principles of our free and happy constitution.

Your Majesty's subjects in this colony think it essential to freedom, and the undoubted right of Englishmen, that no taxes should be imposed on them without their consent given personally, or by their representatives. This right we do not at present enjoy, inasmuch as the British Parliament, in which we have no representation, have claimed and exercised a right of making laws binding upon us in all cases whatsoever. This claim, and this exercise of unlimited power by the Parliament, we esteem a grievance of the most dangerous nature, and directly tending to the subversion of our constitutional liberties. We are willing to the utmost of our abilities to contribute our proportion to the supprt of government; but we would do it in a constitutional manner, by the interposition of the Colony Legislature.

We likewise beg leave to declare to your Majesty that we consider the acts of Parliament raising a revenue in America, but more especially those to provide for the support of civil government, and the administration of justice in the colonies, and extending the courts of admiralty beyond their ancient limits, giving them a concurrent jurisdiction, in causes heretofore cognizable only in the courts of common law, and by that means depriving the American subject of a trial by jury, as grievous and destructive of our rights and privileges.

That the act of Parliament authorizing the apprehension of persons resident in the colonies, on suspicion of certain offences, and sending them out of the same to be tried, is dangerous to the lives and liberties of your Majesty's American subjects, as it deprives them of a trial by a jury of the vicinage, which in all cases is the grand security and birthright of Englishmen.

That we humbly conceive, the act requiring the legislature of this colony to provide for the services therein mentioned, and the other for suspending the legislative power thereof, till such requisition should be complied with, were unconstitutional, and tended to destroy that confidence which we had always reposed in the mother country.

That the imposition of duties upon articles of commerce imported from Great Britain is oppressive and impolitic, as it gives the greatest encouragement to illicit trade, and appears as a prohibition on our commerce with the mother country, which, for the mutual advantage of both, we conceive ought to be free and unrestrained.

That the act passed in the fourteenth year of your Majesty's reign, imposing duties upon certain articles imported into the province of Quebec (the limits whereof, by an act of the same year, are so extended as to comprehend all the Indian country, from Hudson's Bay to the mouth of the Ohio River) and restricting the importation of those dutied articles to the port of St. John's, on the river Sorel, is injurious to this colony, as it almost entirely destroys our important Indian trade; that port being so very remote from this and the other colonies, that the conveyance of goods thither, for the prosecution of that traffic must unavoidably be attended with so enormous an expense, as well nigh amounts to a total prohibition;—the unmerited discrimination made by the first above mentioned act in favor of the sugar colonies, by subjecting the continental colonies to a larger duty on particular articles is so detrimental to the interest of this colony, that we cannot avoid complaining of it to your Majesty as a grievance.

We likewise think, the act prohibiting the legislature of this colony from passing any law for the emission of paper currency to be a legal tender therein, is disadvantageous to the growth and commerce thereof; an abridgment of your Majesty's prerogative (in the preservation of which we are deeply interested) and a violation of our legislative rights; and may hereafter disable your Majesty's subjects, upon proper requisition, and upon certain emergencies, from granting such aids as may be necessary for the general safety of the empire.

The act for the regulation of the government of Quebec we must beg leave to mention also to your Majesty, as the

extension of that Province and the indulgence granted to it by Roman Catholics, have given great uneasiness to the minds of many of your Majesty's American subjects.

The late acts for shutting up the port of Boston, and altering the charter of the Massachusetts Bay, we presume not to mention to your Majesty, without first assuring you that we, in many instances, disapprove of the conduct of that Province, and beseeching your gracious interposition in their favor; we cannot however help observing that those acts to establish a dangerous precedent, by inflicting punishment without the formality of a trial.

With the highest satisfaction, most gracious Sovereign, we reflect on your royal declaration from the throne at your happy accession, that it was essential to the impartial administration of justice, and one of the best securities to the rights and liberties of your subjects, that your judges should hold their commissions during good behavior; permit us then to pray that you will be graciously pleased to remove the distinction between your subjects in England and those in America, by commissioning your judges here to hold their office on the same tenure; in which case we beg leave to assure your Majesty, that we stand ready to give them such adequate and permanent salaries as will render them independent of the people.

We have now, most gracious Sovereign, stated our grievances to your Majesty; we have done it, we trust, with all the respect due to the best of Kings, and with that decent freedom becoming the representatives of a faithful, ancient and loyal colony; and we have not the least doubt, but that by your merciful mediation and interposition, we shall obtain the desired redress, and have such a system of government confirmed to us by your Majesty, and your two houses of Parliament, as will sufficiently ascertain and limit the authority claimed by the British legislature over this colony, and secure to us those just and invaluable rights and privileges which all your Majesty's subjects are entitled to. This, most gracious Sovereign, is the sum of our wishes, and the end of our desires; and we beg leave to assure your Majesty, that we are convinced this will be the only effectual method of quieting the minds of your Majesty's faithful American subjects, and of restoring that harmony and cordial union between the mother country and

us, which is so essential to the welfare and prosperity of both. We beseech your Majesty to believe, that our earnest prayer to Heaven is, that your Majesty may continue long and happy the beloved Monarch of a brave, a free, a virtuous and united people; and that your children after you may continue to fill the British throne to the latest generations."

In the petition to the House of Lords the Assembly said the colonies were not in "contemplation when the forms of the British constitution were established; it followed, therefore, from its principles, when colonization took place, that the colonists carried with them all the rights they were entitled to in the country from which they emigrated; but as from their local circumstances, they were precluded from sharing in the representation in that Legislature in which they had been represented, they of right claimed and enjoyed a Legislature of their own, always acknowledging the King, or his representative, as one branch thereof; this right they have pointedly, repeatedly and zealously asserted, as what only could afford them that security which their fellow subjects in Great Britain enjoy, under a constitution, at once the envy and admiration of surrounding nations; because no money can be raised upon the subject in Great Britain, nor any law made that is binding on him, without the concurrence of those who have been elected by the people to represent them."

The petition reiterated the opinion frequently expressed in resolutions and petitions, that the people of the Colonies were entitled to "equal rights and privileges with their fellow subjects in Great Britain. That upon these principles it is a grievance of a most alarming nature, that the Parliament of Great Britain should claim a right to enact laws binding the colonies in all cases whatsoever."

Absolute and uncontrollable power in any man, or body of men, necessarily implies absolute slavery in those who

are subject to it, even should such a power not be carried into execution; yet let it be remembered, that the liberties of an Englishman are his rights; and that freedom consists not in a mere exemption from oppression, but in a right to such exemption, founded on law and the principles of the constitution.

The petition, with some variations in form, reviewed and repeated the grievances stated in detail in the petition to the King.

In the petition to the House of Commons, the Assembly expressed "an ardent deside to promote a cordial reconciliation with the parent state, which can be rendered permanent and solid only by ascertaining the line of parliamentary authority and American freedom, on just, equitable and constitutional grounds."

"An exemption from internal taxation, and the exclusive right of providing for the support of our own civil government, and the administration of justice in this colony, we esteem our undoubted and unalienable rights as Englishmen; but while we claim these essential rights, it is with equal pleasure and truth we can declare, that we ever have been and ever will be ready to bear our full proportion of aids to the crown for the public service, and to make provision for these necessary purposes, in as ample and adequate a manner as the circumstances of the colony will admit."

After reviewing several grievances, the petitioners declared that in claiming these essential rights they did not "entertain the most distant desire of independence of the parent kingdom; we acknowledge the Parliament of Great Britain necessarily entitled to a supreme direction and government over the whole empire, for a wise, powerful and lasting preservation of the great bond of union and safety among all the branches; their authority to regulate the trade of the colonies, so as to make it subservient to

the interest of the mother country, and to prevent its being injurious to the other parts of his Majesty's dominions, has ever been fully recognized."

"We claim but a restoration of those rights which we enjoyed by general consent, before the close of the last war; we desire no more than a continuation of that ancient government, to which we are entitled by the principles of the British constitution, and by which alone can be secured to us the rights of Englishmen. Attached by every tie of interest and regard to the British nation, and accustomed to behold with reverence and respect, its excellent form of government, we harbor not an idea of diminishing the power and grandeur of the mother country, or lessening the lustre and dignity of Parliament; our object is the happiness which we are convinced can only arise from the Union of Both Countries; to render this union permanent and solid, we esteem it the undoubted right of the colonies to participate of that constitution, whose direct end and aim is the liberty of the subject; fully trusting that this honorable house will listen with attention to our complaints, and redress our grievances, by adopting such measures as shall be found most conducive to the general welfare of the whole empire, and most likely to *restore union and harmony among all the different branches.*"

On the 31st of March, three days before adjournment, the Assembly took its final action on this subject, at which time it was ordered:

"That Mr. Speaker write to the Speakers of the several Houses of Assembly on this continent, as soon after the rise of this house as conveniently may be, and transmit to them the list of grievances stated by this house, and the resolutions thereof, in consequence; together with the petition to the King's most excellent majesty, the memorial to the Lords Spiritual and Temporal, and the representation and remonstrance to the Commons of Great Britain,

in Parliament assembled, requesting them to lay the same before their respective houses of Assembly, at their first meeting after the receipt thereof."

CLOSE OF THE COLONIAL PERIOD.

On the 3d of April, 1775, the Assembly adjourned to the 3d of May, but as already pointed out, it did not meet at that time, and never met again. There was manifestly a strong public sentiment in New York in favor of open opposition to the British colonial policy; this had been particularly expressed by the election of delegates to the Continental Congress, which met in Philadelphia in September, 1774. The Assembly had failed to respond to this sentiment, and had rejected resolutions approving the action of New York merchants in resisting the execution of objectionable trade laws, and thanking the delegates from New York to the Continental Congress, and had also refused to take into consideration the proceedings of that Congress. The people considered themselves justified in assuming control of affairs, and accordingly elected representatives, who assembled on the 22d of May, 1775, in what was known as the First Provincial Congress. This Congress continued in session until the 4th of November, 1775, and was for many purposes the successor of the last colonial Assembly.

The Second Provincial Congress met December 6, 1775, and adjourned May 13, 1776. The Third Provincial Congress met on the 22d of May, 1776, and continued in session until June 30, 1776. It was succeeded by the Fourth Provincial Congress, which met at White Plains on the 9th of July, 1776. This Congress on the same day ratified the Declaration of Independence, which had been adopted on the 4th of the same month. The next day, the 10th, the name of the Congress was changed to that of "The Convention of the Representatives of the State of New York." This was the First Constitutional Convention. It subse-

quently framed a constitution, which was adopted April 20, 1777, and was afterwards put into operation by the establishment of a State government.

Governor Tryon continued in office until March 23, 1780, and was succeeded by James Robertson, who was appointed Governor on the 4th of May, 1779; but he did not leave England for New York until several months afterwards.

Governor Robertson's executive functions, at least those which he had power to exercise, were quite meager. His actual territorial jurisdiction was limited to the southern part of the State, which the British army continued to occupy until the close of the war. The Governor's civil authority was practically suspended by the operation of martial law. The new Governor sought to restore civil government, and in March, 1782, and again in the following May, submitted to the Council the question whether such government should then be re-established. On both occasions the Council, Chief Justice Smith dissenting, decided the question in the negative. The Council could see little advantage to the Colony in trying to re-establish civil government at that juncture. The surrender of Cornwallis at Yorktown had occurred in the previous October, and the war was practically over. Independence of the Colonies was assured, and it was hardly worth while for the remnant of colonial government in New York to seek to re-establish an administration whose jurisdiction must necessarily be limited to a small part of the original colony.

The State government, represented at first by the Constitutional Convention, and afterwards by fully organized legislative, executive and judicial departments, had been in existence nearly six years, and it could hardly be hoped that any civil government which Governor Robertson and the Council might attempt to establish would be accepted or could exercise any authority in that part of the State

which had so long enjoyed complete independence under a written constitution.

A Provisional Treaty of peace was signed November 30, 1782. Governor Robertson took his final departure from New York on the 15th of April, 1783. The Definitive Treaty of peace was signed on the 3d of September, 1783. This was the official termination of the colonial period, although as to the larger part of the State royal authority, at least under civil forms, ceased to exist on the 9th of July, 1776, when the First Convention ratified the Declaration of Independence.

The British evacuated the city of New York on the 25th of November, 1783, and on the same day General Washington entered the city with a detachment of the American army. He was accompanied by Governor George Clinton, who thereupon assumed executive authority in that part of the State which had previously been under British control. On the 9th of December, 1783, Governor Clinton issued a proclamation convening the Legislature in the city of New York on the 6th of January, 1784. A quorum did not appear until the 21st, at which time Governor Clinton delivered the usual opening speech, and the jurisdiction of the new government became complete throughout the State.

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